



An
Bord
Pleanála

Inspector's Report

ABP-318316-23

Development

Protected Structures: 11-year permission for a mixed-use development (c.38,479sq.m) of office, retail and café/restaurant uses, including refurbishment and reuse of Protected Structures, demolition and construction of new buildings ranging in height from 2-8 storeys over basements, a new street between O'Connell St. Upper and Moore Lane, a new controlled laneway from Moore Lane (adjacent to 42 O'Connell Street Upper) and associated site works, 'Dublin Central - Site 2' (c.1.33 Ha). An Environmental Impact Assessment Report (EIAR) accompanies this application.

Location

43 to 60A O'Connell Street Upper, rear of 59 - 60 O'Connell Street Upper, 13 & 14 and 14 - 15 Moore Lane, the public realm associated with O'Rahilly Parade, Moore Lane, Henry Place and a portion of O'Connell Street Upper, Dublin 1.

Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	5126 22
Applicant(s)	Dublin Central GP Ltd.
Type of Application	Planning permission
Planning Authority Decision	Grant s.t. conditions
Type of Appeal	First / Third Party
Appellant(s)	Dublin Central GP Ltd. Moore Street Preservation Trust Stephen Troy
Observer(s)	Aengus O'Snodaigh TD Brian McGrath
Date of Site Inspection	4 th September 2024, 5 th February 2025
Inspector	Mary Kennelly

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1.0 Introduction

- 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.
- 1.2. 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.
- 1.3. 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, which generally reflect the ownership of lands. The current appeal (318316) relates to **Site 2AB** and **Site 2C**, (also known locally as the former Carlton site), which are generally bounded by Upper O'Connell St. to the east, Moore Lane to the west and Henry Place to the south. The application/appeal is being considered concurrently with a further smaller site known as **No. 61 Upper O'Connell Street** (ABP.318268), which is currently occupied by O'Flanagan's restaurant.

- 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. Site 2, with a stated area of 1.39ha gross (0.95ha net), comprises most of the eastern portion of the masterplan area. It is subdivided into Site 2AB (southernmost) and Site 2C (northernmost). It comprises the following properties:

- Nos. 43-58 O'Connell Street Upper inclusive.
- The rear of Nos. 59-60 O'Connell Street Upper (including 60A O'Connell St.)
- Nos. 13 and 14 Moore Lane (also known as Nos. 1-3 O'Rahilly Parade)
- Nos. 14-15 Moore Lane (also known as Nos. 1-8 O'Rahilly Parade)
- Public realm associated with O'Rahilly Parade, Moore Lane, Henry Place and a portion of O'Connell Street Upper.

- 2.2. Nos. 43-58 O'Connell Street Upper includes the former Carlton Cinema site (Nos. 52-54 O'Connell St, buildings occupied by Ned Kelly's (No. 43), Garda building (No. 44), Dr. Quirkey's (No. 55-56), and Carroll's (Nos. 57-58). The site excludes the CIE frontage building (Nos. 59-60 O'Connell St.) but includes the buildings to the rear. Site 2 is situated with an area designated as an Architectural Conservation Area and includes the following Protected Structures:

- No. 43 O'Connell Street Upper (front façade)
- No. 44 O'Connell St. Upper (front façade)
- Nos. 52 to 54 O'Connell St. Upper (former Carlton cinema, upper floor façade)
- No. 57 O'Connell St. Upper (front façade)
- No. 58 O'Connell St. Upper (front façade)

- 2.3. Site 2 is bounded to the north by No. 42 O'Connell Street Upper (Protected Structure, the Red Georgian building, which is described as the last surviving Georgian House of what was Sackville Mall). It is bounded to the south by No. 59 O'Connell Street (CIE), by No. 60 Upper O'Connell St which is also a Protected Structure and by Henry Place, which connects Henry Street with Moore Street.
- 2.4. The existing buildings within Site 2 vary in height between two and five storeys generally. Some are unoccupied and the buildings fronting on to O'Connell Street Upper include a range of retail, leisure, restaurant, public house and office uses. The retail uses are generally of a convenience type and the restaurants includes several fast-food outlets. The leisure uses include a casino and an amusement arcade. The former Carlton site is unoccupied and the building immediately to the north (50-51) has been demolished with a large screen covering most of the O'Connell Street frontage. The upper floors of the buildings fronting O'Connell Street are generally vacant or in use as offices.
- 2.5. Moore Lane is principally in use as a service lane, although it is in a state of transition with some recent development. The northern end is characterised by a mixture of vacant land/sites and a car park on the eastern side and a newly developed 7-storey hotel (Point A) on the western side, and Jury's Inn hotel, as far south as O'Rahilly Parade. The western boundary of Site 2 is to the south of this point and extends as far as a T-junction with Henry Place, the western end of which links to Moore Street and the eastern end of which is L-shaped and links with Henry Street. Henry Place is also 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.
- 2.6. The site also includes a proposed 'structural box' the purpose of which is to facilitate the Metrolink Enabling Works. This would be located beneath the ground floor level along the entire frontage of the O'Connell Street part of Site 2. It is described as being designed to accommodate the independent construction and operation of the planned O'Connell St. Metrolink Station by Transport Infrastructure Ireland, including provision of the structural envelope and coordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the proposed development. However, the Metrolink Enabling Works ensure that the Dublin Central Development proposal is structurally independent of, and not prejudicial to, the Metrolink project.

3.0 Proposed Development

3.1. An 11-year permission is sought for a mixed-use scheme (c.38,479m² 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.

3.2. The main elements of the scheme include the following:

- **Sustainable and adaptive re-use of buildings** to deliver a vibrant mix of uses at ground and upper floor levels to provide animation and activation to the surrounding city streets and passive surveillance to the public realm.
- The following **mix of uses** is proposed
 - **Restaurant/café** – 6 no. GF units (918m²) of varying sizes ranging from 58m² to 296m² at different locations on O'Connell St, Moore Lane and the New Street.
 - **Licensed Restaurant** – 1 no. 'landmark' licensed restaurant/café/takeaway in former Carlton cinema site (878m²) over basement, GF, FF and SF.
 - **Retail units** – 8 no. GF retail units (2,575m²) of varying size ranging from 40m² to 1,041m² for use as a 'shop' or licensed café/restaurant with takeaway element at various locations on O'Connell St, Moore Lane and New Street.
 - **Reading Room** – Refurbishment of former Reading Room (rear of 59 O'Connell St) as a licensed restaurant, café unit with takeaway element at GF level with ancillary café use at basement level (244m²).
 - **Office use** – (33,714m²) new building to rear of O'Connell St from 1st to 7th floor with access from O'Connell St., rear of No. 59 O'Connell St and new plaza on Henry Place and new controlled laneway. A terrace is proposed at 1st, 3rd, 4th, 6th and 7th floors.

- The **conservation, refurbishment, repair and adaptive use** of the following structures
 - **Reading Room** (rear 59-60 O'Connell Street) including partial demolition, internal and external modifications and new shopfronts.
 - **57-58 O'Connell** (Protected Structures – GF occupied by Carroll's Gift shop) – retention of façade.
 - **52-54 O'Connell Street** (Protected Structures - Carlton cinema site) – retention of facades and reinstatement of canopies.
 - **43-44 O'Connell Street** (Protected Structures occupied by Ned Kelly's Casino and the Garda Building, respectively) – retention of facades.
 - **45 O'Connell Street** (Protected Structure – vacant building) – retain façade.
 - **Repair/upgrade works** of retained masonry, external and internal joinery, plasterwork and features of significance (where required).
 - **Lightwells O'Connell St** - Conservation and repair of existing lightwells.
- **Demolition** of all remaining structures (22,521m²) including -
 - 55-56 O'Connell Street (Dr. Quirkey's Emporium)
 - 46-49 O'Connell Street (Restaurant use)
 - Partial demolition of Reading Room (rear 59-60 O'Connell St).
 - 13 Moore Lane and 14 Moore Lane (aka Nos. 1-3 O'Rahilly Parade)
 - 14 Moore Lane and 15 Moore Lane (aka 1-8 O'Rahilly Parade)
 - Various buildings on eastern side of Moore Lane
- **Construction** of the following structures
 - **2 no. Main Buildings** to the rear of O'Connell St retained facades (up to 8 storeys) and along frontages where buildings demolished (as above).
 - **Single level basement** incorporating and access ramp from Moore Lane, 32 no. car parking spaces, 372 no. cycle spaces, plant and waste storage area.

- A **Structural Box** (120m x 26m x 34.5m) beneath GF at O'Connell St. to accommodate the independent construction of the planned O'Connell Street Metrolink
- **Creation of a new street and plaza** – the new street would connect O'Connell Street (north of the Carlton site) to Moore Lane. A new plaza would be provided adjacent to the refurbished Reading Room at the junction of Moore Lane and Henry Place.
- **Public realm works** – improvement works to public realm along O'Rahilly Parade, Moore Lane, Henry Place and the provision of a new entrance off O'Connell St for deliveries. Improvements to junctions of Moore St with Henry Place and O'Rahilly Parade.
- **Laying of services** – services to be laid underground along Parnell Street for a distance of 49 metres west of the junction with Moore Lane.
- **Telecom towers** – 3 no. lattice towers to accommodate 3 no. 800mm antennae and 2 no. 300mm microwave link dishes with associated roof-top equipment at Block 2C
- **Substations** – 2 no. ESB substations.
- **Signage and canopies** – provision of building signage and retractable canopies

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 18 conditions. These conditions were generally of a standard type. The following conditions are of note:

Cond. 2 Development contribution €1,894,872.20 (GDCS).

Cond. 3 S49 Contribution (LUAS Cross city) €607,126.00

Cond. 4 Financial bond amount to be agreed.

Cond. 5 Conservation Section – required the submission of detailed information regarding the construction phase including support measures for the

facades, repair works, shopfronts. This condition also sought revisions to the public realm at the junction of Henry Place and Moore Lane.

- Cond. 6 Transportation section requirements including the submission of a detailed Construction Traffic Management Plan. A Mobility Management Plan and an updated Service Strategy before commencement of the use.
- Cond. 7 Transport Infrastructure Ireland requirements including the need for a works permit in relation to the LUAS and specific requirements regarding working near the overhead conductor system.
- Cond. 8 Archaeological requirements in three parts (a) No damage to the National Monument, employment of an archaeologist to monitor works and to liaise with Metrolink during construction; (b) Archaeological mitigation; and (c) Archaeological monitoring, testing and excavation.
- Cond. 12 Details of Management Company for the Community, Arts and Culture Centre.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Principle of development - The Area Planner noted that the proposed uses were permissible within the Z5 zone and were consistent with the zoning objective and with the key objective of the O'Connell Street Special Scheme of Planning Control. Having regard to the underutilised nature of the site and the imminent need for regeneration, the proposal was therefore considered to be acceptable in principle. It was noted that the plot ratio and site coverage of the proposed development were generally consistent with the standards in the CDP. However, given the Z5 zoning, the proposed development would have to be assessed on its own merits, taking account of elements such as the central location of the site, the underutilised nature of the lands, and the proximity of high-quality public transport facilities.

Duration of permission – the justification for the proposed 11 years based on the change in legislation preventing extension of duration where EIA is involved combined with the complexities of construction phasing due primarily to the accommodation of the structural box associated with the Metrolink project were

noted and considered reasonable. However, concerns were raised regarding the timeframes for demolition, excavation and construction and the need for sequencing of same in order to minimise the potential for large vacant sites on the streetscape. In addition, it is required that extant buildings are not removed until development on those particular sites are imminent.

Building Height – it was noted that the proposed building heights would reach six storeys (28.5m) on Site 2AB and eight storeys (max. 37.1m) on Site 2C, which would exceed the maximum building height for the city centre of 28m in the 2016 CDP.

[The Board should note that this maximum building height standard has been replaced by the Performance criteria set out in Table 3 of appendix 3 of the new City Development Plan]. Having regard to SPPR3 of the Building Heights Guidelines, which allows for a development which may exceed the standards in a Development Plan in certain circumstances, the Area Planner's report assessed the proposed development in detail against the criteria set out in those guidelines. Overall, the Area Planner concluded that the proposed development which exceeded the 28m height limit would be acceptable in principle as it would be generally consistent with the criteria set out in the Guidelines. However, it was considered that certain amendments and/or refinements to the design would be required given localised sensitivities. These include the need to address the overbearing visual impact of Level 08 of Site 2C and a review of the façade treatment, proportions of solid-to-void and materiality of the new building facades on O'Connell Street to provide for greater consistency in treatment. These and other matters were included in a Request for Further Information.

Architectural heritage – The development was broadly welcomed but there were some concerns regarding the height and scale in terms of the impact on the streetscape and the ACA. Concern was also expressed regarding the potential impact on architectural heritage arising from the MEW works (Metrolink Enabling Works), given the need to demolish buildings to the rear of the O'Connell Street facades and for significant excavation with associated risks to the retained historic buildings/facades. FI would be required in this respect.

Appearance and materials – The new buildings provide a contemporary reinterpretation of the fine existing facades along O'Connell Street with the use of mainly brick and stone with different tones and bonds to match those prevalent in the

area. It is considered that the proposed design approach clearly distinguishes new interventions from historic ones, yet in a respectful way, and that the proposed buildings on the new street will add variety and a 'welcome freshness' to the area.

Ground floor uses – It was noted that Site 2AB includes 4 no. retail uses, two of which have frontage to O'Connell Street Upper, New Street and Moore Lane and that the Carlton building will accommodate a large 'flagship' retail use, which will incorporate 4 no. café/restaurant uses. The restored 'reading room' will provide an additional café/restaurant adjacent to the pocket square. Site 2C will also provide a mix of retail and café/restaurant use with frontages to O'Connell Street Upper, New Street and Moore Lane. Entrance to the Metrolink station would also be accommodated, as well as an emergency entrance. The office accommodation will be accessed from O'Connell Street Upper, which will lead to a large lobby with a light atrium, with rear access (and back-of house services) provide by means of a new laneway from Moore Lane leading to a proposed courtyard (for external dining) at the rear of No. 42/43 O'Connell St. Given the need for active, vibrant uses along Moore Lane, concern was raised regarding the extent of the Moore Lane frontage given over to back-of-house services and a small retail unit on the corner of the new lane, which is likely to be isolated and unviable. FI was required in respect of this matter.

Shopfront and signage – it was noted that a comprehensive approach to shopfront and signage design across the entire masterplan area and that this was generally in accordance with both the O'Connell Street and Environs Special Scheme for Planning Control and the P.A.'s Shopfront Design Guidelines. It was considered that overall, the proposed design approach for Site 2 was of a high quality. It was noted, however, that several projecting signs were included which may be contrary to the O'Connell Street and environs SSPC. Signage details are to be agreed by the first occupant of any unit prior to occupation. A condition to this effect would be required, which should also include the proposed canopies to ensure a consistent design approach.

Landscape and public realm – Overall, the landscape approach involving an increase in permeability, active frontages and improving the public realm and connections between streets, was welcomed. In particular, it was considered that the provision of a new street, an arcade, a pocket square and courtyards/terraces were likely to be successful. The proposed terraces on both sites at various levels and the

green roof on Level 4 (2C) together with the use of very high-quality materials and landscape design were welcomed. However, there was some concern that there may be too wide a variety of materials which could lead to a disjointed approach. This matter and the need for adequate SUDs measures would need to be addressed as FI and/or conditions.

Daylight, Sunlight and overshadowing – The submission of a Daylight, Sunlight and Overshadowing Report (in accordance with BRE) was noted and considered to be of an appropriate standard. It was observed that there were no residential properties in the vicinity which would be materially impacted by the proposed development. The impacts on No. 42 O’Connell Street and Nos. 6-8 Moore Lane were highlighted, as these impacts had been noted in the EIAR, but not in the submitted daylight/sunlight planning document. However, it was acknowledged that No. 42 has an atypical situation in that it adjoins a vacant site at present. Overall, it was accepted that the development of Site 2 would have an impact on the shadow environment, but it was considered to be consistent with the emerging pattern which would be reasonable in an urban city centre environment. The P.A. was satisfied, therefore, that there would not be an undue impact on daylight, sunlight and overshadowing.

Former Carlton Cinema site – the proposal to provide a large retail unit at GF level with frontage to both O’Connell St and Moore Lane, and to a lesser extent the New Street, is welcomed, as is the proposal to provide a large flagship restaurant on the upper levels. The restoration of the façade of the building and the reinstatement of the canopy and glazing areas are considered to be a welcome development. However, the detailed design of the canopy needs to be more historically accurate in terms of its extent, profile and level of projection.

Reading Room – The full restoration of this building, (which was formerly part of No. 59 O’Connell St, and is located to the rear of that building), and its adaptation to a restaurant use which will be visible and accessible to the public is considered to be a valuable element of conservation gain. The retention of the original features of heritage interest, reinstatement of the original volume of the reading room and the restoration of the decorative plasterwork are all welcomed.

Alternative use potential – Level 01 Moore Lane – the built-in flexibility in the layout of this building is welcomed as it would provide for an additional independent entrance to Level 01 with the potential for alternative uses in the future.

Retail space – the proposed 8 no. retail units within Site 2 would provide c.2,622m² retail floorspace, with a range of unit sizes. This is welcomed as it will encourage a vibrant mix of retailers. The units have been identified with two alternative uses, namely, 'shop' or 'licenced restaurant/café with take-away/collection facilities', in order to provide for flexibility with a view to quickly attracting end users. Whilst the P.A. understands the need for flexibility, concern was raised regarding the potential for a proliferation of a certain type of use such as take-away facilities. This would need to be addressed by means of an appropriate condition(s).

Office space – The proposal to provide for c. 33,714m² office floorspace over the two blocks (2AB and 2C) is considered to be consistent with the CDP Economic and enterprise policies for the city by encouraging redevelopment through regeneration and redevelopment. It is envisaged that the mix of uses will create active and vibrant retail streets with increased footfall, vitality and functionality as well as employment opportunities, with an overall positive impact on the area.

Conservation matters – Reference is made to the Internal Conservation Report, which is summarised below. This gave rise to a request for further information in respect of the Metro enabling works, the proposal to demolish No. 55-56 O'Connell Street and its new façade given its listing on the NIAH with a regional rating, the treatment of the windows and canopies to the Carlton cinema site and of the Reading Room and the proposed hard landscaping and demarcation measures proposed. In addition, a comprehensive methodology of salvation and demolition works was sought. It was noted that the Conservation Officer had raised concerns regarding the height and massing of the proposed development, which had already been addressed as part of the Planner's assessment.

Transportation matters – Reference is made to the Internal Transportation Planning Report which is summarised below. The main issues related to ensuring that obstruction of routes is minimised, the extent of the canopy at the Carlton site is reduced to reflect what was there originally and that basement areas do not extend under footpaths beyond existing basement areas. The servicing strategy was

considered to be quite comprehensive but would require a review two years following occupation. Discrepancies had arisen in respect of car parking provision but noted that 32 spaces and 1 accessible space would be provided. Notwithstanding this, given the excellent accessibility of the site by means of other modes of travel the Transport Division would have no objection to the provision of no parking on site apart from accessible and car-share spaces for office/restaurant floorspace and a maximum of 7 spaces for retail floorspace (in accordance with the 2022 CDP). FI would be required in respect of carparking provision and allocation as well as cycle parking and charging facilities.

Construction and phasing – as previously noted, the 11-year duration of permission was considered reasonable. However, concerns remain regarding the timeframes for demolition, excavation and construction which need to be sequenced to avoid large voids in the streetscape.

Impact on Moore Street Markets – the Masterplan Design Statement highlighted that improved permeability across the wider site, including the future Metrolink entrance, enhanced footfall along Moore Lane and Moore Street together with the rejuvenation of the buildings on the street will strengthen the historic and market character of the street. It was noted that the submissions received focus on the likely negative impacts on the market during the lengthy construction period. The Moore Street Advisory Group (MSAG) report to the Minister acknowledged that the markets could not operate while any major redevelopment works were underway. Any compensation to the traders arising from this would be addressed outside of the planning process. However, it was concluded that in the long term, the proposed development would offer an opportunity for the markets to flourish in a rejuvenated environment with significantly enhanced footfall post construction.

Metro enabling works – the proposed structural box (120mL x 27mW x 35mD) underneath the ground floor has been designed to accommodate the independent construction and operation of the planned O'Connell Street Metrolink Station by TII. It will include the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts. The primary access point will be from O'Connell Street Upper and the secondary access point from Moore Lane (both within Site 2C). A further access will run under Site 2AB and exit in the Square

between the Reading Room and the rear of no. 59 O'Connell St upper and will be contained within a 'box' (5m high) behind the Reading room.

Basement Impact Assessment – predicted impacts to retained building and adjacent buildings, including basements, have been considered in a report entitled Ground Movement Analysis Assessment, which examined each stage of the development including demolition, piling, bulk excavation and construction of each site within the development. The potential impacts on protected structures and retained facades is predicted to range from zero to very slight. However, the Drainage Division is not satisfied that adequate assessment has been carried out of the basements and has requested FI in respect of groundwater flow, land stability and ground movement as well as the cumulative effects of basements.

Telecommunications – 3 no. telecoms towers (4 m high lattice) are proposed to be located on the roof of building 2C. It is noted that mitigation will be required in respect of telecommunication channels in the vicinity. Clarification was required regarding the removal of existing telecommunications structures, and it was requested that the proposed towers should be relocated to a less visible location.

Compliance with Retail Planning Policy – the development was assessed against the Dublin City Retail Strategy and the retail policies set out in the CDP 2016-2022. It was considered that the proposal would comply with the strategy and relevant policies, but there was some reservation regarding the proposed flexibility, which if over-used, could result in a proliferation of unfavourable uses such as take-aways. The proposal would ensure active uses at street level with a high quality of shopfronts, in accordance with the CDP policies.

Compliance with Development Plan Standards – the assessment concluded that in general, the design principles set out in the standards have been complied with and that subject to the provision of FI, the proposal would achieve meaningful placemaking and that site 2 would contribute a mixture of retail, café/restaurant and office employment uses as well as delivering a New Street and the restoration of the Reading room which represents significant planning gain.

- The Environmental Impact Assessment section of the Planner's Report considered the significant environmental effects arising from the development

and highlighted issues that would require further information to enable the assessment to be completed.

- The Planner's report concluded that the need for the regeneration of this underutilized brownfield city centre site and its potential to contribute to the positive transformation of O'Connell St. and its immediate area cannot be underestimated and is fully acknowledged by the planning authority. The proposed redevelopment of Site 2 constitutes a landmark development and the provision of a metro station below the site will enhance the strategic importance of the regeneration of these lands in terms of accessibility. The planning authority welcomes the comprehensive mixed-use development across Site 2 as part of the wider Dublin Central master plan site and the principle of the development is considered to be generally acceptable. However, in order to fully assess the potential impact of the proposed development a request for additional information would be made in relation to certain issues.

4.2.2. Other Technical Reports

- **Conservation Section**

The Conservation Officer's initial report is a comprehensive and detailed document (c.30pages) which highlights the significant elements of the historical and architectural receiving environment and in this context provides a detailed assessment of each of the main elements of the proposed development of Site 2. The following is a brief summary of the main points made in the CO report.

- **CHARACTER OF EXISTING ENVIRONMENT** - It is noted that the buildings on the western side of O'Connell Street Upper were largely reconstructed following the Battle of O'Connell Street in July 1922, to follow a strictly applied, coherent design approach devised by City Architect Horace O'Rourke. Individual buildings were unified by restrictions on height, the adoption of a common cornice and stringcourses and a preference for stone and brick. This unified terrace with parapet heights of 4-5 storeys on the 'Principal Thoroughfare' gives way to a more subservient, single/two-storey mews lane (Moore

Lane) by means of a 'graduated hierarchical relationship'. It is further noted that the historic lanes are of particular significance in terms of retaining the memory and understanding of the 1916 Battlefield and the key locations that reflect the evacuation routes taken by the Volunteers.

- LEGIBILITY AND URBAN GRAIN - The CO believes that the legibility and integrity of the historic lanes should be retained including key landmarks. These include the sharp turn on Henry Place and the walls of No. 60A O'Connell St which would have provided shelter to Volunteers during the evacuation of the GPO (1916). The removal of historic fabric and the proposed demarcation of the building plots/boundaries with metal studs is considered unacceptable and would be inconsistent with the P.A. policy to ensure that the legibility of the battlefield site is clearly expressed on ground surfaces. The widening of the lane, such as to provide the pocket park, combined with the scale, height and massing of the buildings on Moore Lane would utterly change the historic character of the lanes.

The CO requested that the public realm at the junction of Henry Place and Moore Lane be revised with more appropriate demarcation of former building lines and a more clearly visible landscaping approach using salvaged materials with a view to retaining a sense of enclosure to retain the memory and legibility of the 1916 Battlefield site.

- DEMOLITION – the extent of demolition and the likelihood of lengthy delays between demolition and reconstruction were significant concerns. Reference was made to inconsistencies with CDP policies BHA2, BHA5, BHA7 and section 15.13.5 which sought to restrict demolition of protected structures, buildings on NIAH and in ACAs. Inconsistencies with CDP policies BHA11, BHA24 and CA6 which promote sustainability by resisting demolition in order to minimise the loss of embodied carbon and retain whole life energy costs. Notwithstanding this, it was acknowledged that the extent of demolition proposed was related to the need to regenerate this large, underutilised Dublin Central site as well as the significant level of

demolition already permitted in the previous redevelopment proposal for these lands, which in turn had informed the proposed location for the subterranean Metrolink station.

55-56 O'Connell Street – not a PS but included in NIAH. It is noted of being of some interest as it comprised part of the approved early 20th century architectural scheme for the reconstruction of O'Connell Street post the Civil War in 1922. However, the façade is not of comparable quality and fails to meet the standard of architectural interest to warrant long term protection.

- HEIGHT, SCALE, MASSING – It was noted that in general CDP policy requires that new development, particularly where it is located in ACAs and in proximity to Protected Structures, must respect the existing character of historic areas, safeguard historic setting of streets and spaces and protect and enhance the setting and appearance of streetscapes and protected features (section 15.15). Reference was made to the Building Height Strategy in Appendix 3, section 6.0 which states that there should be no adverse impact on Protected Structures, curtilage of on National monuments in terms of scale, height, massing, alignment or materials. Reference was also made to Table 3 and in particular to Objectives 1 and 3 of the Performance Criteria.
- HEIGHT/SCALE/MASSING - SITE 2AB – the proposed building at 6-7 storeys, by reason of its height, scale and massing, undermines the historical hierarchical development of the area (as described above). It would be visible from a number of key vantage points between the Liffey Quays and Parnell Square and would have a significant impact on the sensitive historic views within the ACA. The stepping back of the upper floors from O'Connell Street was acknowledged, but the mitigation of impact on Moore Lane is minimal and it would have an overbearing impact on the retained Reading Room. It was considered that the height and scale of 2AB would have a significant impact on the existing urban grain and special interests of the low-rise Moore Lane.

The CO requested that the height, scale and massing should be revised to reflect the graduated hierarchical relationship between the mews lane and the main street, rather than being influenced by recently developed taller buildings at the northern end of the lane.

- HEIGHT/SCALE/MASSING - SITE 2C – similar concerns were raised regarding the height, scale and massing of 2C and the failure to respect the graduated hierarchical relationship between the main street and the lane. The tallest element of 2C (NW corner – 8-storey plus plant enclosure of roof) was singled out as being of particular concern with regard to the visual impact on the setting and architectural character of No. 42 O’Connell Street (a significant PS), of O’Connell Hall and of the Protected Structures within the site (Nos. 43, 44, 45), the character of the streetscape of the O’Connell Street ACA and the legibility and urban grain of Moore Lane. This section of the building was considered to be excessive in height and scale and would ‘create a chasm-like volume that does not relate to or complement the scale of the buildings within the National Monument or the Protected Structures [in the vicinity]’.

It was stated that the overall form of the proposed stepped blocks that progressively rise from the principal terrace towards the rear lane, at varying heights (32.265m AOD, 36.340m AOD, 40.265m AOD and 42.450m AOD), ‘presents a very overbearing and dominant form to the rear of the principal buildings that face O’Connell Street’, which would upset the balance of the urban block when viewed from O’Connell Street. Reference was made to VP3 and VP5a, and it was noted that from Cathal Brugha Street, it would have a marked impact on the view of the streetscape as the building appeared to be ‘above’ No. 42 O’Connell Street, the sole surviving 18th century house.

The CO Recommended that the height of Block 2C be reduced by two storeys across the entire block, which would still result in a building height greater than the parapets of the terrace but would reduce the impact of the building.

- RETENTION OF HISTORIC FACADES – the retention of the facades was welcomed. However, it was requested that detailed mark-up condition and repair drawings be submitted detailing the proposals for conservation/repairs, the extent of repointing and the specifications for the window repairs/reinstatement.
- NEW BUILD BEHIND FACADES SITE 2AB – The CO considered that the design approach did not comply with the advice in the Architectural Heritage Protection Guidelines (6.8.18) and the building should relate the floor levels and room sizes to the fenestration on the façade. The structure behind the Carlton cinema façade would have a dropped ceiling to a double-height café, which was considered to have been dictated by the floor levels of a modern development and was poorly conceived. It was stated that the proposed floor plates are incompatible with the retained historic fabric and would be discernible externally, which is contrary to the guidelines. In respect of Nos. 57 and 58, it was considered that the proposed use of a setback floor plate would create an arbitrary double-height void which was unsatisfactory.

Upper floors – The rhythm and articulation of the volume and the materiality does not relate adequately to the rhythm of the retained facades below. This design of these elevations should be revised.

- NEWBUILD BEHIND FACADES 2C – it was considered that this would result in a similar disconnection between the floorplates and the proposed building behind the facades. The CO recommended that the proposed layouts and floor plates be revised to ensure that they relate better to the spatial quality of the retained facades and the legibility of the character-defining elements such as existing window openings.
- INFILL BUILDING 55-56 O'CONNELL ST – the window openings on the new building were mis-aligned with those on the adjoining Protected Structures. It was recommended that the infill façade be revised to relate to the Protected Structure and the largely regular pattern of window openings.

- SHOPFRONT TO NO. 58 O'CONNELL STREET – The front façade should be revised to show the retention of all surviving elements of the historic shopfront including the granite piers.
 - READING ROOM – it was considered that insufficient detail had been provided of the proposed interventions, such as the number and design of windows, the extent of surviving historic fabric in walls and the reinstatement of the ceiling. The number of windows should be rationalised to retain a greater amount of wall. The layout of the SE corner was unsatisfactory as it would result in the loss of a chimney breast due to the location of the lift and a window opening would, be obscured. The means of circulation should therefore be revised. The rooflights should be rationalised with the original ones on the northern slope retained but the southern (non-original) ones omitted. The door to the west elevation should also be revised with an improved quality.
 - MEW – additional drawings are required to understand the interrelationship between the respective 'sub sites' and the existing built heritage of the overall site in the context of the proposed demolition works. The MEW escape stair enclosure must align with the historic party boundary between the rears of No. 59 and No. 60 O'Connell Street.
- **City Archaeologist** – Site is located within the Zone of Archaeological Potential (DU018-020) and is located within the vicinity of a National Monument on Moore Street. It was recognised that there are a wide variety of archaeological impacts that will require a range of mitigation measures as set out in the EIAR. No objection subject to conditions.
 - **Transportation Planning Division**

Public realm – there was no objection to the proposed new street, but it would be necessary to ensure that there would be consistency in the use of materials which should comply with DCC Construction Standards for Roads and Streets. The proposed wayfinding strategy is welcomed. It was pointed out that some of the signage could cause problems with clutter and obstruction of pedestrian movement. Thus, the finalised location of signage

should be agreed as part of the overall public realm strategy for the site. Doors should not be allowed to open outward across the public footpath.

Canopy at Carlton Site – the proposed canopy would extend over the public footpath by 4.3m forward of the front building line, c.4.4m above ground level and for a length of c.20m. It was submitted that it would extend further than the original canopy did, and objection was raised in this regard.

Basements under footpaths – the basement to the rear of the Carlton Site extends under the public footpath at Moore Lane. Clarification was required.

Traffic Assessment and Trip generation – the traffic surveys and junction analysis are considered to be acceptable. The majority of traffic generated will be in respect of site servicing. The servicing strategy for the overall masterplan area has been revised to accommodate the proposed development of Site 2 with the provision for an additional 8 service deliveries per day. It is noted that servicing will be restricted to 6am to 11am which will be from Moore Lane, Henry Place and the New Street with 24hour servicing permitted on O’Rahilly Parade and Moore Lane North. A review should be carried out 1-2 years post occupation.

Carparking – 32 spaces provided with one accessible space on O’Rahilly Parade. It was noted that the existing parking provision was stated as 160 spaces, but it is not clear whether this includes existing parking at O’Rahilly Parade, Dublin Waste Depot and 51 O’Connell St as well as the 95 spaces in the Moore Lane carpark. Clarification required.

The Transport Division would have no objection to a zero-parking provision (apart from accessible/car-share spaces) given that the site is served by excellent public transport and other modes of travel. It is noted that the Parking Standards under the new 2022 CDP would be reduced in respect of offices from 1 space per 400sq.m to zero and in respect of residential, from 1 space per unit to 0.5 spaces. The application of the 2022 CDP standards would require just 7 spaces for retail and none for offices other than accessible and car share.

Travel plan – the submitted travel plan is considered acceptable. However, clarification is required on how the parking spaces are to be managed and

assigned. The cycle parking standards between the 2016 CDP and 2022 CDP were compared with 368 spaces required under the old Plan and 514 cycle spaces required under the 2022 Plan. It was noted that the cycle parking provision complies with the former but not with the revised standards in the new Plan.

Metrolink – no objection to inclusion of proposed structural box.

Construction Management – the Outline Construction and Demolition Plan and Preliminary Construction Traffic Management Plan submitted with the application were noted. It was stated that these were subject to extensive consultation with the local authority. It is acknowledged however that this will be an ongoing process which cannot be finalised until a contractor is in place. It was confirmed that once a contractor has been appointed, the applicant will be required to submit a finalised CMTP and D&CMP for agreement and that ongoing consultation with the Roadworks control section will be required throughout the construction period.

As stated previously, the 11-year duration was considered reasonable, but there would be a need to ensure that demolition, excavation and construction are appropriately sequenced and managed to ensure that the impact of a series of vacant sites on the streetscape is kept to a minimum, that there will be no undue time lag between demolition and construction and that no buildings will be removed except where development is imminent. This will require appropriate conditions.

4.3. Prescribed Bodies

- 4.3.1. **Dept. of Housing, Local Government and Heritage (29/11/22)** – No Objection subject to conditions relating to the protection of the National Monument, implementation of an appropriate archaeological mitigation project to address the potential impacts of the development and the proposals for archaeological monitoring, testing and excavation.
- 4.3.2. **An Taisce (29/11/22)** – the scheme presents a long-awaited regeneration of the area while respecting its national civic character and key relationships with the GPO and the central location of the 1916 Rising. An Taisce welcomes the regeneration of

the site, provision of civic space, repair of historic buildings, enhancement of heritage and consolidation of the inner city and retail core in principle. However, concerns were expressed regarding the following matters:

- Proposed pedestrian routes – the proposal should respect the historic sequence, pattern and network of existing streets in the area, which has essentially been unchanged since the John Rocque map of 1756, with minimal interference or alteration.
- Existing building fabric - in the interests of historic continuity/integrity/legibility/environmental sustainability, it is preferred that the existing historic building envelopes be retained rather than just the facades, as is proposed at numbers 43, 44 and 45 O'Connell St. Upper, particularly where historic pre-1850 fabric is evident. The facade of numbers 55 to 56 O'Connell St. Upper had been proposed for retention under PL29.N.232347.
- National Monument – Nos. 14-17 Moore Street adjacent to the subject site to the West and part of the overall applicant masterplan area is a designated National Monument. Proposed development should not inappropriately dominate the setting of these small 18th century buildings and ensure sensitive and meaningful incorporation.
- Impact of development on ACA - the scale and mass of the proposed development should not have an overbearing visual impact or detrimentally visually affect the character of the O'Connell Street national civic thoroughfare. The historic roofline and profile should be protected to the greatest extent possible. The CGI photomontage Views 4, 4a, 5 and 5a show a considerable bulk of new development stepping behind the historic parapet and frontage of the ACA on Upper O'Connell Street. It is recommended that the new development should respect the established scale of the existing built fabric including height, massing, proportions and plot width.

4.4. Third Party Observations

- 4.4.1. Third party observations were received from various parties both in support of and in opposition to the proposed development. The main issues of objection raised are similar to those raised in the grounds of appeal and observations on the appeal as

summarised below. A number of letters of support were also received. These have been summarised in the P.A. Planning Officer's report.

4.4.2. In brief, the main points raised **in support** of the proposed development related to the following matters:

- The importance of the proposed Dublin Central development in future-proofing the northern quarter of Dublin City's central commercial district cannot be overstated.
- New investment of this scale, coupled with the Clery's Quarter investment, will stimulate interest and renewed investment in the general district with positive impact for the entire city center. Without new investment the district will continue its slow but relentless decline and suffer from an increasingly adverse reputation.
- The restoration of existing buildings and regeneration on Moore Street is welcomed.
- Increased permeability fostered through the creation of new streets, walkways, meeting places and plazas will enhance the use of the district and promote positive perceptions of safety.
- A wide range of diverse uses will add to the overall attractiveness of the northern commercial district. Additional office, retail and hospitality uses will assist in driving footfall as will the inclusion of a Metrolink station within the development.
- The Metrolink Enabling Works Obviate the need to obstruct traffic and pedestrian movements during the metro construction.

4.4.3. In brief, the main points raised **in opposition** to the proposed development related to the following matters:

- **1916 Rising** – concern that proposed development does not adequately protect the remaining elements of the 1916 rising. The evacuation route along Henry Place and the battleground elements are not appropriately respected, particularly in respect of opening up Henry Place to businesses and the potential loss of pre-1916 cobblestones on the laneways which will have a negative impact on this historical route.

- **Mix of uses** – Residential use would be preferable to office use and would be in line with the Special Planning Scheme for O’Connell Street and the proposed Culture Bill for Moore Street area. It would provide for greater passive surveillance.
- **Impact of new development** – Design, Scale, Height and Massing seriously detract from O’Connell Street ACA and from the Moore Street and O’Connell Street streetscapes. Concern expressed regarding adverse impact on the Protected Structures and the National monument due to inappropriate scale and design. Proposal would result in loss of fine urban grain of the narrow streets and laneways with narrow plot widths. Proposal is insensitive to the historical and cultural heritage of the area. Concerns raised regarding overshadowing of residential units at Greeg Court.
- **Development Plan policy** – proposal contravenes the height strategy for Dublin city and would be contrary to policies C1, C2, C4 and C6. The proposed development would fail to complement the special character of the Protected Structures and to adequately respect the cultural and artistic use of buildings, which is contrary to several policies of the CDP. Proposals do not meet the minimum intervention policies for Protected Structures.
- **Demolition** – most of the buildings to be demolished are in excellent condition and should be retained and re-used. The most sustainable solution is to retain not demolish and re-build structures. The proposed demolition will impact on the built heritage around the 1916 story. Demolition of Nos. 18-19 to facilitate the ‘hideous archway’ will erase the character of the terrace and detract from the historical nature of the area.
- **Construction impacts** – the duration of the construction phase is too long. It will result in noise, dust, air pollution, road spillages and dangerous conditions for a lengthy period of time. It will pose health and safety risks, adversely affect businesses in the area and threaten Protected Structures. Traders on Moore Street will be disproportionately affected.
- **Transport** – traffic conditions during construction will result in severe congestion for a lengthy period of time, which will deter people from visiting this part of the city centre, adding to the decline in the area. The traffic plan is

flawed and inadequate. Loss of parking spaces to be compensated for by the metro, but this won't be in place for 20 years. The pedestrian and traffic movement on O'Rahilly Parade have been grossly underestimated.

- **Laneways** – If permission is granted, the fabric of the laneways will be forever changed which will remove the visual environment that the volunteers of 1916 once had.
- **Moore Street** – the proposals are contrary to DCC's plan to revitalise Moore Street Markets, and it is likely that the markets will be lost completely as a result of the lengthy construction phase. It would not protect or promote the distinct identity of the street, which is rooted in Irish heritage. Moore Street needs more mixed usage in its retail and street market and investment in the area is required. The role of Moore Street in the 1916 Rising, including the surrounding laneways, is completely ignored in the proposed development.
- **Metrolink** – if the metro does not proceed, the proposed development cannot proceed in its current form. As timelines are unknown, the application for site 2 is premature and there is no contingency plan.
- **Archaeology** - no independent archaeological investigation has been carried out, so the full historical cost of the proposed development cannot be assessed. As the site lies partially within the protected Zone of Archaeological Potential, a full archaeological dig should take place on the site.
- **Procedural matters** - the proposed development is premature, as no decision has been made on Sites 3, 4 and 5. No architectural model has been submitted. The separation of the master plan into numerous sites each with a different application and associated documents it's difficult to manage for members of the public. Letters of consent provided by DCC indicate that there is a conflict of interest. No direct engagement with market traders. Claims of inappropriate interference by Developer, DCC and state bodies in negotiations re compensation of traders in favour of development.
- **Duration of permission** – 11 years is too long a period for the disruption associated with the construction phase. It would set an undesirable precedent for other projects in the city.

4.5. Further Information

- 4.5.1. Following a request for Further Information, the applicant submitted its response on the **28th July 2023**. Significant Further information of Revised Plans was readvertised, and Notices were issued. The responses to the FI Request may be summarised as follows:

1. **Phasing** – Submit a phasing and sequencing plan of demolition, excavation and construction works.

Response: Supplementary Master Programme Report submitted which details time periods for demolition and construction phases. It is emphasised that no demolition works will take place until the approved Railway Order is in place and there will be no stand-down periods while the vacant sites lay dormant awaiting construction. In addition, no demolition will take place until planning permission is in place for Site 2 with any pre-commencement conditions re demolition approved and until TII's other pre-commencement of construction requirements area in place. Letters of support to this effect included from TII. In terms of the overall site, works for Site 2AB will precede Site 2C and once sufficient enabling works for MEW in place, works will commence.

The report was considered by the P.A. to be comprehensive and had adequately addressed the issues of concern.

2. Design issues

- (a) **Site 2AB O'Connell St Elevations** – Review façade treatment to address lack of consistency in form and materials of development above and behind Nos. 52-54 O'Connell Street (Carlton cinema) compared to the new/existing facades at Nos. 55-56, No. 57 and No. 58 O'Connell Street, in particular, the rounded elements/corners of the upper levels and disparate styles (proportions of solid to void, materials and colours).

Response: Changes proposed at the upper levels of 50-51 and 55-58 O'Connell Street include a setback and colour change above 52-54 O'Connell Street and a simplified design of the upper floors of Site 2AB as well as the omission of the larger fins at either side of the building. It was

submitted that these revisions would result in a more consistent design approach with a simplified form.

The CO was dissatisfied with the response as the rhythm was considered to be very busy and did not relate sufficiently to the individuality of the buildings below. It was considered that the upper floors would draw attention to the fact that only the facades were being retained due to the homogenous form of the elevation and that what sits to the rear is a very large building (VP4). It was requested that further revisions, modulation and articulation of these floors be carried out to relate better to the facades below. The changes were, however, considered acceptable by the Area Planner.

- (b) **Site 2AB New Street** – Review ground floor façade treatment of wavy building onto New Street including the use of reconstituted stone and potential difficulties with maintenance (cleaning).

Response: Justification provided for use of reconstituted stone and proposed mitigation measures to ensure appropriate weathering. Revised details provided regarding curved archway with a curved corrugated glass panel to match with the façade profile, a thicker door lintel and a single door with side windows.

The CO was generally satisfied with the response but requested further minor alterations to the detailing around the door to the corner building. The Area Planner was satisfied with response and stated that the further CO revisions could be addressed by condition.

- (c) **Site 2AB Carlton Cinema Canopy** – Revise design of canopy at former Carlton cinema to more accurately reflect the historic canopy that was in place previously.

Response: the canopy has been redesigned to follow the original size and profile of the 1936 canopy. The Area Planner was satisfied with response. However, the CO sought further revisions to the sidelights, which could be addressed by condition.

- (d) **Site 2C O'Connell Street Elevations** – Revise design of building such that recessed 8th storey element is not visually obtrusive or would not have an overbearing impact on No. 42 O'Connell Street (PS) including the relocation of plant elsewhere.

Response: Several amendments have been made to the upper levels including

- Rooftop plant elements have been rationalised and relocated to a less visible location. A setback metallic plant enclosure was also introduced
- Alterations to the northern elevation include a new 'open parapet', new stone pilasters and an extension of the 'loggia element' around the corner to reduce the visual impact and to allow light to filter through.
- Part of Level 6 has been set back to form a terrace and the 'loggia' extended down to this level so that Levels 6 and 7 read as one.

The Conservation Officer was not satisfied that the amendments were sufficient and sought further revisions. The concerns raised principally related to:

- Proposed amendments - There has been several alterations, none of which would materially reduce the height, scale or massing of the proposed development on the setting and architectural character of the O'Connell Street ACA. It would still represent a 'chasm-like' enclosure that will be formed by what appears to be 9-storeys in the NW corner. The scale of the taller blocks relative to the transitional scale of the rear lane is considered to be a dramatic departure from the historic hierarchy between the principal terraced buildings on O'Connell Street and their associated buildings on the rear lane.
- Impact on No. 42 – serious concerns are raised regarding the proximity of the proposed development to No. 42 and to O'Connell Hall, both Protected Structures, and to the 'considerable visual impact on the setting and architectural character of the PS'.

- NW Corner 2C – The overbearing nature of the proposal is evident in VP5a from Cathal Brugha Street, where the large new rear block appears to be almost twice the height of No. 42 O’Connell St (PS) and upsets the balance of the historic streetscape. Although the loggia was considered to be a positive intervention, it does not alleviate the significant height, scale and massing of the overall envelope of the NW block. Despite the 27.8m setback, the form of this block (43m AOD) is very visible from a number of key vantage points. Combined with the slightly lower 8-storey block (40.265m AOPD), these blocks create a very dominant presence above the O’Connell Street ACA and Protected Structures, where the parapet heights onto O’Connell Street are 22.141m AOD and 21.7m AOD. The proportions, window openings and detailing of the historic facades of Nos. 42, 43, 44 and 45, appear diminutive in contrast to the solid to void ratio and composition of the adjoining principal elevation.
- Masts and telecom equipment – the proposed height of 2C is already significant and the positioning of the masts and telecoms equipment that extend above the parapet exacerbate this height effect. These masts should be omitted.
- Infill building - The new stone infill building fronting O’Connell Street (2C) with the double-height loggia sits one-storey above the established parapet height on O’Connell Street and the blocks increasing in height towards Moore Lane would dominate the adjoining historic facades and the scale of the streetscape. It was requested that this loggia feature be omitted in order to better relate to the established parapet heights.
- Amended EIAR VPs - The views from Parnell Square (VP1) and from Parnell Monument VP3 have not improved. The northern elevation has a prominent ‘boxy’ appearance and the ‘large, stepped brick blocks’ would still have a significant presence behind No. 42 O’Connell St (PS) and Nos. 43, 44 and 45 O’Connell St (Protected Facades and buildings on NIAH) which would result in

the same impact on the overall massing, notwithstanding the changes to the loggia.

- Longer distance views (VP6a, VP7 and VP8) demonstrate the 'muddled presence of the proposed development above the general parapet height of the historic streetscape and competes with the existing dominance of the GPO as the prominent set piece within the streetscape'.
- Reduce Height and Massing - it was recommended that the height and massing of 2AB and 2C be reduced in order to respect the scale of the existing historic backland development which has been influenced by an understanding of the historic built form and graduated hierarchy between mews lanes and principal thoroughfares. Furthermore, a specific reduction of the height of 2C of two storeys across the entire block was recommended, which would still result in a significantly higher building than the established PS parapets but would reduce the impact on their settings.

However, the Area Planner was satisfied that the proposed revisions would reduce the visual and overbearing impact on No. 42 O'Connell Street and considered that the proposed development as amended was acceptable subject to conditions.

- (e) **Site 2C Active Use frontages** – Re-examine layout of uses fronting onto Moore Lane to reduce the amount of 'back-of-house' uses and increase the active frontages, including the small retail unit on corner which seems unviable.

Response: The small retail unit proposed for the corner of Moore Lane and New Street was omitted and replaced with a proposed ground floor (50m²) and first floor (503m²) community/arts/cultural centre which replaces the previously proposed office space at FF level. The location of the substations could not be altered for technical and safety reasons.

This was very much welcomed by the P.A. as an important active use at this location. The space could be used as a theatre and there would be an

independent access point from Moore Lane, thereby introducing a vibrant active use. It was also considered to represent a contribution to the required community/arts/culture provision as set out in Policy CUO22. However, the applicant's response regarding the inability to relocate the substations was accepted.

- (f) **Site 2C Telecom towers** – Re-locate the proposed towers in a less visible location (e.g. central location on roof). Clarify if existing telecoms antennae and equipment will be decommissioned and removed.

Response: Decommissioning is outside of the applicant's control. There are technical reasons for locating antennae in certain locations, but every effort has been made to locate them in the least visually obtrusive location.

3. **Model** - Submit a 3D scaled model of Site 2 in the context of the overall development.

Response: A 3D model was submitted and was made available to view at the public counter.

4. **Transportation issues** –

Car Parking – Address the discrepancy on parking provision and identify location of existing spaces and address car parking shortfall having regard to the parking standards set out in Appendix 5 of 2022 CDP.

Response: it was clarified that the spaces in question were never delineated nor were they publicly available.

Travel Plan - Clarify elements of the submitted Travel Plan including carpark management such as management and assignment of parking spaces, policy on staff travel, operation of company cars, parameters for use of pool cars and employee eligibility for parking on site. Clarify statement that parking will not be available for retail customers, only for office tenants

Response: Clarification provided on some elements. Parking provision reduced and further information given on assignment of spaces. However, P.A. Transportation division remained of the view that assigning any parking spaces to office use (unless accessible/pool cars) would be contrary to the

2022 CDP. It was concluded that this could be addressed by way of a condition(s).

Bicycle parking – address significant shortfall in no. of spaces required under 2022 CDP and identify areas where cycle parking can be expanded in the future if required. Provide for electric bike charging facilities.

Response: the number of cycle parking spaces was increased from 183 to 270 spaces, providing an overall quantum of 512 spaces. This has resulted in the removal of 5 no. car parking spaces. It was stated that 5% of the cycle spaces would be provided as electric charging points. The response was considered satisfactory.

Development infringements over/under the public road/footpath – Submit revised drawings showing no such infringements in respect of Carlton site canopy and basements under Moore Lane.

Response: It was clarified that the basement at Moore Lane does not extend beyond the front building line. The canopy over the footpath at Carlton cinema site has been revised and reduced in extent to reflect that of the original one. This was considered to be satisfactory.

Transportation issues conclusion: The further information was generally considered to be satisfactory, and permission was recommended subject to conditions.

5. **Conservation issues** – Address the following issues -

(a) **Metro Enabling Works (MEW)**

Additional drawings demonstrating interrelationship between the respective sub-sites and the existing built heritage with respect to proposed demolition works including the Metrolink Station box comprising:

- Layers of historic plot/building numbers highlighting elements to be demolished.
- Respective plot lines to be superimposed over existing site demolition plans.

- A masterplan drawing indicating all existing plot lines including outline of Metrolink station box overlaid on existing plots and demarcation of Sites 2AB and 2C plot lines to clearly indicate the extent of demolition proposed.
- Additional drawings at a scale of 1:100 (plan, section and elevation) of existing and proposed buildings including accurate position and extent of proposed Metrolink Station Box.
- Elevation Key Plan to clearly indicate the building numbers for the retained facades and all key levels to be indicated on all elevations.
- Clarify the difference in levels indicated on the proposed O'Connell St. Elevation for Nos. 43, 44, 45 LVL.22.141 and from where the relevant Section BB (No. 44) LV 22.314 was taken.

Response: Additional drawings and details considered satisfactory.

(b) Metrolink Escape stairs – this structure to be aligned on the historic party boundary between the rears of No.59 and No. 60 Connell St. Upper to reinforce the legibility of the historic context and augmented by the expression of the historic boundary line in the pavement.

Response: The location of the escape stairs is established by the design of the O'Connell Street Station and does not form part of this application. The decision on the Railway Order is delayed. However, the applicant has agreed a MOU with the NTA/TII to complete the MEW underneath Site 2.

(c) Proposed demolition plan – Submit a proposed demolition program and methodology to include provisions to ensure that extant buildings within and across the subject sub-sites will not be taken down except where proposed development is imminent at each location.

Response: Additional Demolition programme including drawings and details considered satisfactory.

6. **Drainage issues** – Address the following issues –

(a) Management of surface water – Revised Basement Impact Assessment required to demonstrate an adequate assessment of the impact of the proposed basement on ground water flow, land stability

and ground movement and the cumulative effect of basements, which should accord with Appendix 9 of the CDP 2022 (Basement Development guidance).

- (b) **Revised Site-Specific Flood Risk Assessment** – needs to address the risk of groundwater flooding to the proposed basement and adjacent properties, notwithstanding the location in an area of low groundwater vulnerability.
- (c) **Sustainable Drainage systems devices** – provide drawings showing extent and layout of SUDs including green and blue roofs which should have regard to the CDP 2022 Green and Blue Roof Guide.
- (d) **Interception storage** – provide information on how interception storage is to be provided or alternatively, treatment storage, for each site (2AB and 2C).

Response: The Drainage Division was generally dissatisfied with the level of detail provided in the Basement Impact Assessment and on this basis recommended refusal of permission. However, it was accepted that the outstanding matters could be addressed by means of appropriately worded conditions.

- 7. **Matters relating to EIAR** – the following matters to be addressed –
 - (a) **References to Site 4 of Masterplan** – Error in section 5.5.1.2.1 which refers to Site 4 and Fig. 10.12 of Chapter 10. However, Fig. 10.12 is not present.
 - (b) **Noise and vibration during excavation associated with MEW** – although addressed comprehensively in Chapter 11, it should also be addressed in Chapter 5 (Population and Human Health).
 - (c) **Land and soils – assessment of waste from excavation works associated with MEW** – request that this needs to be adequately addressed due to variations in the submitted reports of the material to be removed.

Response: The applicant submitted an **ENVIRONMENTAL IMPACT ASSESSMENT REPORT ADDENDUM**. This is summarised in the Planning

Application Report – Further Information (July 2023). Essentially, this report sets out the specific changes to the proposal, provides confirmation that no changes have occurred to the main elements (listed) and the items listed in the FI request were addressed in sequence. The Report also highlights the main issues addressed in an overview of each environmental topic considered as part of the EIAR. It was confirmed that there is no significant change to the proposed development arising from the FIR and no material changes to the assessment or findings of the overarching EIAR.

The changes to the EIAR which covers both the potential environmental impacts of the proposed development of Site 2AB and Site 2C, as well as the concurrent application for the proposed development of No.61 O'Connell St. Upper (5432/22).

7(a) Changes to Population and Human Health – Section 5.5.1.2.1 updated as requested.

7(b) Noise and Vibration – Updates to Population and Human Health chapter include references to the recent 2022 Census data and further considerations of the impacts set out in chapter 11 (Air (Noise and Vibration) relating to the construction stage for MEW.

7(c) Land and Soils – Updates to Chapter 7 Land, Soil and Geology and Chapter 14 Material Assets (Waste) refer. In terms of Chapter 7, where excavation works associated with the MEW are further considered, it is stated that the assessment has been updated having regard to recent Site Investigation data and the Updated Basement Impact Assessment. Updates have also been made to Chapter 14 to ensure that all excavation figures are consistent. It is stated that the assessment in relation to waste has been carried out in accordance with all relevant industry best practice standards and relevant legislation.

Response: based on the information submitted and the updated EIA R, the planning authority was satisfied that given the scale and nature of the proposed development and taking into account all available information, it can be determined that there is no real likelihood of significant effects on the environment arising from the proposed development.

4.5.2. Six further third-party submissions were received following readvertisement. The issues raised were broadly similar to those raised in the initial submissions.

Additional concerns related to the following

- The extent of demolition in light of the policies of the newly adopted CDP including that restoration is preferable to demolition and that unnecessary demolition should be avoided to reduce carbon emissions.
- Wholly inappropriate for applicants to hold meetings with P.A. regarding Further Information request.
- Request for model to be displayed has not been adhered to.
- Response to Transportation Department requests inadequate.
- Questions regarding validity of Basement Impact Assessment and Flood Risk Assessment not adequately addressed.
- Too many restaurants proposed and concern regarding too many fast-food outlets on O'Connell Street not addressed.

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***

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.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 (15,842m²) 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 6th 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.

- **Urban Development and Building Height Guidelines for Planning Authorities (2018)** - These guidelines set out national policy on building height in urban areas. Consolidation and densification, with greater building heights, can be considered in appropriate locations such as city and town centre areas, sites with significant public transport capacity and connectivity, but having regard to the need to achieve very high quality in terms of architectural, urban design and public realm outcomes.
- **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.

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 Development plan that was in force at the time that the application was submitted to the planning authority, (and under which the assessment in the initial Planning Report was carried out), was the Dublin City Development Plan 2016-2022. However, the current Plan, the **Dublin City Development Plan 2022-2028**, came into effect on the 14th 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 are -

4.5.1 Approach to the Inner City and Docklands – Consolidation and development of brownfield lands. It is envisaged that Moore Street Market will be developed as a significant new cultural and historical amenity with associated public realm upgrades and high-quality mixed-use development. The North East Inner City, to include Moore Street, is identified as a Strategic Development Regeneration Area (SDRA) with the objective to promote the significant development potential of this area and harness further potential funding opportunities.

SC2 – Develop the City’s Character – Develop the City’s character by

- Cherishing and enhancing Dublin’s renowned streets, civic spaces and squares.
- Developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise
- Protecting the grain, scale and vitality of city streets and encouraging the development of appropriate building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city.
- Promoting the development of Moore Street and the Parnell Quarter as major new cultural and historical attractions for the city.

SC3 – Mixed Use Development – promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.

SC4 – Recreational and Cultural Events – encourage the development of new and the retention and enhancement of existing civic and cultural spaces.

SC5 – Urban Design and Architectural Principles -To promote the urban design and architectural principles set out 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 Dublin is a healthy and attractive city to live, work, visit and study in.

4.5.3. Urban Density – the objective is to provide opportunities for increased density in a sustainable manner whilst ensuring the highest standard of design as well as the protection of existing amenities and the natural and historical assets of the city. In some instances, higher density development will be informed by Architectural Conservation Areas (ACAs), the Record of Protected Structures and other heritage designations. In this regard, such development will be required to minimise potential adverse impacts through appropriate siting, scale and massing. (See also **Appendix 3** – Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City).

4.5.4 Increased Height as Part of the Urban Form and Spatial Structure of Dublin – when considering building height, regard must be had to the prevailing context within which the site is located, and broader consideration must be given to potential impacts such as overshadowing and overlooking. Key considerations also include locations within the historic core, where it must be demonstrated that increased height will not adversely impact these sensitive environments and that they will make a positive contribution to the historic context.

SC10 – Urban Density – ensure appropriate densities and creation of sustainable communities in accordance with national guidance.

SC11 – Compact Growth – promote compact growth and sustainable densities through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors subject to certain criteria.

SC14 – Building Height Strategy – ensure a strategic approach in accordance with Building Height Guidelines and in particular SPPR 1 to 4.

SC15 – Building Height Uses – support the development of an adequate mix of uses in proposals for larger scale development which are increasing height or proposing taller building in accordance with SPPR 2.

SC16 – Building Height Locations - recognise the predominantly low-rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre subject to achieving a balance between reasonable protection of amenities and environmental sensitivities, protection of residential amenity and the established character of an area.

SC17 – Building Height – Protect and enhance the city skyline and ensure that proposals for enhanced scale and height make a positive contribution to the urban character and comply with certain criteria including responding sensitively to the historic city centre and have regard to the performance criteria in Appendix 3. Such development proposals should also include a masterplan for sites over 0.5ha in area.

SC18 – Tall/Landmark Buildings – promote a co-ordinated approach in a plan-led manner in order to prevent visual clutter or cumulative negative visual disruption of the skyline and that such proposals comply with the performance-based criteria set out in Appendix 3.

4.5.5 Urban Design and Architecture - Well-considered urban design and architecture, including use of high-quality materials and finishes, and well-designed buildings, spaces and landscapes make a positive contribution to the urban environment and improve the environmental performance, competitiveness and attractiveness of the city.

SC19 – High Quality Architecture - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

SC21 – Architectural Design - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character, and which mitigates, and is resilient to, the impacts of climate change.

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.

Figure 4-1 sets out Key Views and Prospects which include important views and view corridors into and out of the city and views of important landmark buildings

which are intended to be protected. These views include those from Parnell Square south along O'Connell Street, from O'Connell Bridge northwards and from Henry Street Eastwards towards the Spire and O'Connell Street.

- 6.3.4. **Chapter 6 – City Economy and Enterprise** seeks to encourage balanced economic investment with an increased focus on liveability, enhanced public realm and mobility measures. At a national level, it is noted that a key strategic aim of the NPF is to support the future growth and success of Dublin as Ireland's leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city centre and docklands.

CEE 1 – Dublin's Role as the National Economic Engine – promote and enhance the role of the city as the national economic driver of recovery and growth, with the city centre as its core economic generator.

CEE 2 – Positive Approach to the Economic Impact of Applications –

Encourages a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and to deliver high quality outcomes.

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.

Office and Commercial Floorspace – an adequate supply of high-quality office and commercial floorspace will still be a key requirement for Dublin's economy, notwithstanding the changes to this sector brought about by Covid-19. There is a limited supply of high-quality office accommodation outside of docklands and Heuston, but sites of a sufficient size to provide the necessary floor-plates can often be found in the regeneration areas.

CEE 21 Supply of Commercial Space and Redevelopment of Office Stock – this policy seeks to promote and facilitate the provision of new office space and to consolidate employment provision by incentivising and facilitating high-quality redevelopment of obsolete office stock.

Restaurants, Food and Markets – The services sector (entertainment, restaurants, cultural and other services etc.) plays a pivotal role in determining the performance of the economy.

- 6.3.5. **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

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 C 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.

CCUVO19 – Linking Office and Culture Clusters to the Retail Core – Encourage street activities and pedestrian amenities along key routes from office and culture clusters to retail core to enhance vibrancy of streetscape and to draw office workers and tourists into the retail core.

6.3.6. **Chapter 8 Sustainable Movement and Transport**

In accordance with the NPF, RSES and the NTA's Transport Strategy for the Greater Dublin Area, this chapter seeks to encourage a transition to more sustainable forms of travel, to decarbonise transport and to effectively integrate land use and transportation with a view to delivering improved social, economic and environmental sustainability. Key elements include the encouragement of high-density development along public transport routes, providing for much improved and expanded public transport systems and focusing mixed use developments around public transport nodes. A critical element for the success of this strategy is the provision of high-quality pedestrian and cycling infrastructure and permeability links to encourage the

use of sustainable modes to access the public transport station. Thus, there is a strong emphasis on improving the public realm. In addition, the provision of mobility hubs and the limitation of car parking availability combined with the expansion of cycle parking facilities all form part of the strategy. Relevant policies include:

- SMT1 Modal Shift and compact Growth
- SMT2 Decarbonising transport
- SMT3 Integrated Transport Network
- SMT4 Integration of Public Transport Services and Development
- SMT5 Mobility Hubs
- SMT8-9 Public Realm Enhancements
- SMT11 Pedestrian Network
- SMT18 The Pedestrian Environment
- SMT22 Key Sustainable Transport Projects

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

The whole of Site 2 (2AB and 2C) is designated as an Architectural Conservation Area (Z2). In addition, the Red-hatched Conservation Area (Z8) applies to the frontages of O'Connell Street Upper, Parnell Street and Henry Street. The National Monument (14-17 Moore St.) is located just outside the site but within the Master Plan area. The Record of Protected Structures is listed in Volume 4. There are several Protected Structures within the development site and within the overall Master Plan area. The Protected Structures within Site 2 are as follows:

- No. 43 O'Connell Street Upper (upper floor façade)
- No. 44 O'Connell St. Upper (upper floor façade)
- Nos. 52 to 54 O'Connell St. Upper (former Carlton cinema, upper floor façade)
- No. 57 O'Connell St. Upper (upper floor façade)
- No. 58 O'Connell St. Upper (upper floor façade)

All works to protected structures shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning

Authorities (Department of Arts, Heritage and the Gaeltacht, 2011). Relevant policies include: -

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.

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.

Relevant policies include: -

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.

BHA 18 Historic Ground surfaces, Street furniture and Public Realm –

- (a) To protect, conserve and retain in situ, historic elements of significance in the public realm....and to promote conservation best practice and high standards for design, materials and workmanship in public realm improvements within areas of historic character.
- (b) To maintain schedules of stone sets, historic curbing and historic pavers/flags, and associated features in the public realm, to be protected, conserved or reintroduced (Appendix 6), and to update and review these schedules during the period of this development plan.

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 sites 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).

6.3.8. Chapter 12: Culture

12.5.2 Cultural Hubs and Quarters

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

CU4 Cultural Resources – to support the development of new and expanded cultural resources and facilities within the city to enrich the lives of citizens.

12.5.2 Cultural Hubs and Quarters - Cultural quarters, where a range of cultural uses are located in close proximity provide a benefit to the public in their experience and engagement with arts and culture, and can bring benefits to artists and practitioners. The Council will continue to support and develop such quarters including the **North Georgian City Quarter incorporating O'Connell Street, Parnell Square and Moore Street**.

CU7 Cultural Clusters and Hubs – to support existing, and encourage the growth of, emerging cultural clusters and hubs within the city, which bring together cultural activities interlinked with supporting uses (such as restaurants, retail, galleries and

venues) to create vibrant, defined cultural quarters and communities within the city that gave a variety of cultural experiences too all.

Parnell Square and North Inner City including Moore Street and O'Connell St.

This area of the city, framed by the capital's premier street, has in recent years grown and developed significantly as a new hub for culture and heritage within the city...Further investment is also planned for the area including a large scale public realm upgrade of Parnell Square and Moore Street, the establishment of a new city Library and cultural resource on Parnell Square North..... Restoration of pre-1916 buildings on Moore St. and the establishment of a commemorative visitor center marking a key touchstone in our state's foundation.

Policy CU9 Parnell Square and North East Inner City Cultural cluster – To promote and support the growth of the Parnell Square and North Inner City cultural cluster to facilitate opportunities that provide benefits both to the wider city and to the economic growth and regeneration for the NEIC that support artists, mitigates social exclusion and increases opportunities for expression and artistic engagement for the diverse local community and in particular, young people.

Objective CU09 14-17 Moore Street – To support the preservation and restoration of the historic terrace 10-25 Moore Street and adjacent yards and lanes and the remaining historic built heritage of the street, including numbers 1-8 Moore Street, and the establishment of a commemorative visitor centre, as a fitting tribute to the men and women of Easter 1916 and as an educational and cultural resource center and taking account of the content and relevant recommendations are the Moore Street Advisory Group Report, the OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

Further policies include:

CU12 Cultural Spaces and Facilities – Grow the range of cultural spaces/facilities in tandem with new development and in existing development.

CU13 Protection of Cultural Uses – protect existing cultural uses.

CU15 Cultural Uses in the Design and Uses of Side Streets – Encourage rejuvenation of quieter urban side streets by inclusion of cultural uses in the design and uses of these streets.

CU20 Cultural Activities in the Evening.

CU29 Public Realm for cultural events

Objective CUO25 – SDRAs and Large-Scale Developments -

All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence-based audit of the area. Such spaces must be designed to meet the identified need.

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

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

CUO57 Percent for Arts Scheme – public art to be included in developments.

CUO58 Public Art - All large-scale regeneration schemes, whether lodged for planning as a single or multiple applications, where the total scale of regeneration exceeds 25,000 sq.m., shall be required to include an element of public art.

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 master plan 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.

6.3.12. **Volume 1 – Appendices**

Appendix 2 sets out the Retail Strategy for the City

Appendix 6: Conservation

Section 2.1/2.2 – In accordance with Policy BHA18(a), the following paved areas and streets with historic (antique) granite kerbing and pavers/flags to be protected, conserved and reintroduced under the programme for areas with historic ground/street surfaces, together with any associated historic features:

- historic milestones, boundary markers, bollards, boot scrapers, troughs, guard or jostle stones, cast iron basement lights, street skylights and prisms, and
- historic and traditional gratings, historic gutter setts, decorative manholes, coal holes and other covers.

Moore Street

Henry Place

Moore Lane

Appendix 9 – Basement Development Guidance

Appendix 17 – Advertising and Signage Strategy

6.3.13. **Chapter 15 Development Standards**

Section 15.4.2 Architectural Design Quality and Design Principles

Imaginative, innovative and contemporary architecture is encouraged in all development proposals, provided that it respects Dublin's heritage and local distinctiveness and enriches the city environment. Through its design, use of materials and finishes, development will make a positive contribution to the

townscape and urban realm, and to its environmental performance. Design

Principles include:

- The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.
- The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.
- The existing palette of materials and finishes, architectural detailing and landscaping including walls, gates, street furniture, paving and planting.
- The context and orientation in relation to daylight, sunlight and overshadowing and environmental performance including climate impacts such as downdraft or wind tunnelling.
- Landmark features which can be used to give treatment to main entrances to a development, complement open spaces and assist in place-making and identity.

Section 15.5.2 Infill Development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Specifically, it is required that –

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.

- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.

Appendix 3 Achieving Sustainable Compact Growth Policy for Density and

Building Height in the City – This section sets out a policy approach for the assessment of development of increased height, scale and density in the city that aligns with the Building Height Guidelines, including identifying areas where increased building height will be supported (SPPR 1) and providing a series of performance based development management criteria to ensure protection of residential, heritage, streetscape and landscape amenity (SPPR 3). All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

Section 3.2 Density – it is stated that the highest densities should be located at the most accessible and sustainable locations. However, an urban design and quality led approach is required. The focus should not be just on maximising density to maximise yield, but on a range of qualitative criteria including consideration of architecture, urban design and quality placemaking. A Plot Ratio of 2.5-3.0 and Site Coverage of 60-90% are recommended standards for city centre sites (Table 2).

It is stated (4.1) that in considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. The performance criteria in Table 3 include respecting and/or complementing existing and established surrounding urban structure, character and local context, scale and built and natural heritage.

6.3.14. 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, underutilized 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.

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 1.39ha to provide a mixed-use development. Accordingly, it does not attract the need for a mandatory EIA.

- 6.5.2. 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. The applicant also acknowledges that under Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended) the development could be considered sub-threshold and that having conducted a screening exercise, it was concluded that an EIAR was required and has been submitted.

7.0 The Appeal

Two third-party appeals and one first-party appeal have been received. The third - party appeals were submitted by the Moore Street Preservation Trust and Troy Family Butchers Limited, respectively. The Moore Street Preservation Trust appeal sought 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. 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.

7.1. Grounds of Appeal – Moore Street Preservation Trust

- **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 Mícheál 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.
- **Duration of permission** – the proposed duration of 11 years is considered to be unnecessary and inappropriate given the location of the development on the city's main street and within such a historic area. Reference is made to a refusal of permission for a duration of 7 years on a nearby site (2861/21). The P.A.'s recommendation that the impact of a vacant site on the street be kept to a minimum is too vague and the proposal should be refused as it will ensure that Dublin's main street will remain an eyesore for 11 years.
- **Land ownership** – it is noted some of the lands are owned by Dublin City Council and others by the OPW and CIE. The issuing of letters of consent to the developer in respect of these lands is considered to amount to a conflict of interest, as DCC has a role of adjudicating on the development proposals. It is inappropriate and unfair to citizens of the city that the developer is being supported by the Government, Dublin City Council, the OPW and CIE
- **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.

- **Impact on Protected Structures** – the creation of the new street will have a detrimental effect on the Protected Structures at Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper. Notwithstanding the proposal to retain the facades, the new stone façade proposed between No. 45 and the proposed new street is unacceptable and the development should be refused due to inappropriate works and interference with Protected Structures.
- **Impact on National Monument (14-17 Moore Street)** – the National Monument is located on the western side of Moore Lane and would be immediately opposite the proposed 8-storey office building. The scale of the proposed building is totally inappropriate for such a historic location and would dwarf the National Monument buildings and the Moore Street streetscape.
- **Impact on Archaeology and Architectural Conservation Area** – 'Dublin Central' lies within the Zone of Archaeological Potential for Dublin and as such, a full archaeological dig should take place across the site. The site is also located within the O'Connell St. ACA and 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.
- **Scale of the proposed development** - The scale of the overall development including the proposals for the other sites within the masterplan area, is excessive and ignores 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. It is requested that permission be refused on the grounds that the proposed buildings will tower over Moore Lane and Moore Street.
- **Density of development** – the proposed development comprises a mixed-use scheme of c.38,479sq.m gross floor area on a site of 1.33ha with a height of c. 8 storeys. This constitutes over-development, particularly when taken together with the proposals for the remainder of the Dublin Central site.

- **Traffic** – there is no comprehensive up-to-date Traffic Management Plan for the locality, encompassing all of the sites owned by the developer. The Trust asks that ABP ensures that such a comprehensive traffic survey and traffic management proposals for the locality are submitted to the Board.
- **Metrolink** – the Metrolink project may never proceed, and no contingency plans are proposed for such an eventuality, which is unacceptable. It is not clear why the structural box has been included in the proposal and insufficient detail regarding this element has been provided. The applicant states that there will be no stand-down period while the site is vacant, (i.e. awaiting the MEW to proceed), but this is based on correspondence from TII which has an obvious interest in supporting the applicant's development. The methodology and programme of demolition and excavation works are merely aspirational, and the P.A. cannot ensure its validity. Concern is expressed regarding the extent of the Metrolink enabling works and the impact on this historic quarter and no timeline has been proposed for these works.
- **Changes to the design during the planning process** – The appellant was disappointed to learn that the applicant held a 'pre-planning' meeting prior to the submission of the FI, which is considered to be inappropriate procedurally. Notwithstanding this, the appellant considers that the FI submitted will have a minimal effect on reducing the negative impact of this development on this historic quarter of the city.

7.2. Grounds of Appeal - Troy Family Butchers Ltd

- **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 Pleanála (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.

7.3. First Party Grounds of Appeal

- It is pointed out that the statutory notices had sought permission for a duration of 11 years, however, the Planning Authority in their grant permission, did not include a condition regarding duration of the permission. It is evident from the planning officer's report that the Planning Authority was satisfied that an extended duration of permission was warranted in this case. As such as there is no condition identifying a duration of permission, the first party appellant is satisfied that the notification of decision to grant permission in this case is for a period of 11 years.
- The planning officer's report noted

“While there will be a significant excavation area over a long number of years and given the constraints explained in the documentation submitted, in particular the Metrolink Enabling Works, it is considered reasonable that a duration of 11 years be sought in this instance.”
- Condition 1 of the Notification of Decision to grant permission requires compliance with the plans and particulars, including anything adequately stated in the site notice. It should be noted that the 11-year permission was adequately and expressly stated on the statutory notices and was supported in multiple reports included with the application. As there was no condition attached to the Notification of Decision to grant permission dated the 3rd of October 2023 that dealt with the duration of permission, and considering the

positive assessment from the Planning Authority in relation to duration of permission and the application explicitly stating that permission was sought for a duration of 11 years at this site, the First Party Appellant is satisfied that the Notification of Decision to grant permission in this case is for a period of 11 years.

- Notwithstanding this and for the avoidance of doubt and in the interests of absolute clarity, this first party appeal invites the Board, to include a condition regarding Duration of Permission which confirms an 11-year permission in this case. This request is being made wholly without prejudice to the appellant's professional opinion that the decision of the Planning Authority is to grant permission for a period of 11 years in any event.

7.4. Applicant Response to third party appeals

The response from the applicant's agent (21/11/23) included a summary of the proposal and the amendments submitted as FI on the 28th July 2023. The responses to the appeals are grouped under various headings and are summarised as follows:

- **Conservation and Protected Structures**

Conservation and Demolition - 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 Site 2 including the Architectural Heritage Impact Assessment and the EIAR. It was acknowledged that the P.A.'s Conservation Section had certain reservations about the project but noted that overall, the proposals to repair and refurbish protected facades and a number of other selected remnants had been welcomed. The Conservation Section had recommended a grant subject to detailed conditions which the applicant is happy to accept. The applicant considers that the proposed development strikes a reasonable balance between the need to respond positively to the architectural built and cultural heritage and delivering implementable urban renewal to this strategic city centre site.

O'Connell Street ACA – The proposal has been assessed in accordance with the Building Height Guidelines. The landscape and visual effects were assessed as being 'moderate' to 'significant' but reducing to 'slight' in extent at locations some distance away. It is emphasised that Site 2 has been underutilised with upper floors unused and some of the buildings/structures have become increasingly dilapidated for many years. Thus, the urban renewal and increased intensity of mixed-use, activity and vibrancy, facilitated by the proposed redevelopment at this scale in the city centre and proximate to existing and planned public transport, will give rise to largely positive urban landscape and visual effects.

- Impact on laneways – it is considered that the proposals to create new urban spaces and laneways to improve connectivity between O'Connell Street and Moore Street, Moore Lane, Henry Street, Henry Place, combined with the proposals to ensure that the fabric, patterns and legibility of the lanes are protected will result in a reinvigorated network of laneways with an approach which will involve a respectful reinstatement of historic character.

- **National Monument and Ministerial Consent**

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. It is confirmed that this application does not propose any works to the National Monument. All necessary measures to protect the National Monument during the construction phase of Site 2, including any demolition/enabling works, will be implemented, as set out in the Outline Construction and Demolition Management Plan.

- **Design, Density, Scale and Layout**

Reference was made to the reservations expressed in the Conservation Officer's report regarding the height and massing. However, it was noted that notwithstanding these concerns, the Planning Officer had considered the revised scheme as submitted with the FI (28/07/23) as being acceptable. Reference is made to the various Design Statements submitted with the application and the RFI. The first party appellant maintains that the design, scale and layout of Site 2 respectfully responds to the site characteristics and

context and that it will make a significant, positive contribution to the rejuvenation of this part of O'Connell Street, Moore Lane and Henry Place.

- **Climate change**

It is submitted that the proposed development aligns with the requirements set out in Dublin CDP (2022) Policy CA5 Climate Mitigation and Adaptation in Strategic Growth Areas as set out in Chapter 9 of the EIAR and in the Energy and Sustainability Statement submitted with the application. The energy efficiency measures set out in this document will assist in achieving the targets set out in the Climate Action Plan 2023 to reduce carbon emissions within the built environment.

- **Construction/Traffic Management**

Reference is made to the Outline Construction and Demolition Management Plan, which was submitted with the application, in which the measures to be taken to mitigate noise, vibration and dust issues are identified. It is stated that on the appointment of a contractor, this plan will be updated and agreed with the planning authority to ensure that best construction practice is implemented (Cond. 6). In addition, Chapter 11 of the EIAR sets out the detailed mitigation measures in respect of noise and vibration impacts. Similarly, the Preliminary Construction Traffic Management Plan (submitted with the application) was drawn up in consultation with the transportation division and a final plan will be agreed prior to the commencement of construction. As this will be a live document, it will be continually updated to take account of any changes to the surrounding road network as required.

In response to Mr. Troy's objection to the proposed temporary junction widening measures (Moore St/O'Rahilly Pde junction), the first party appellant has submitted that the awning that was permitted (Ref. 1823/07) was considerably smaller than the one that is currently erected on site.

Notwithstanding, as stated previously, once the contractor has been appointed, the temporary junction works as part of the construction traffic routes will be finalised. Prior to this, the exact detail of the proposed temporary junction works will be the subject of a separate Road Opening

Licence Agreement, which will have regard to operations regarding adjoining businesses.

- **Archaeology**

As set out in the Archaeological Impact Assessment Report, there will be a direct impact on any subsurface archaeological features that might be encountered. The proposed mitigation measures include the monitoring of all excavation works by a suitably qualified archaeologist and this is addressed in Condition 8 of the P.A. decision. It is further noted that no objections were raised, subject to such condition(s), by either the DCC Archaeology section or the Dept. Of Heritage.

- **Impact on Market Traders**

In response to issues raised regarding construction impacts, the first party states that it is aware of the concerns of the Moore Street Traders and has met with them on several occasions both individually and in association with MSAG. It was recommended by MSAG that a process be established to address trading issues arising during the construction phase.

- **Sunlight Analysis**

It is acknowledged that the residential units at Greeg Court already receive low levels of sunlight which is due to the orientation and built form. Reference is made to the Sunlight, Daylight and Shadow Assessment for Site 2, submitted with the application, which had concluded that there were no existing residential units that would be materially affected by the proposed shadow environment and in general, would be consistent with a pattern of change that would be consistent in an urban city centre environment.

- **Planning Procedure**

MEW – the applicant has agreed a Memorandum of Understanding with NTA/TII to complete the enabling works. Given that a Railway Order has been submitted to ABP, Government funding has been allocated for the project and construction is expected to start in 2025, it would have been a missed opportunity to have excluded the enabling works from the site. However, it is

emphasised that the proposed development is structurally independent of, and not prejudicial to, the Metrolink project.

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.

Letters of consent - these were submitted as required by the P&D Regulations and no other motive was involved.

Pre-planning meetings – there are no restrictions under the P&D Regulations regarding the holding of pre-planning meetings at Further Information Stage.

Alternative schemes – this matter has been adequately considered in the 'Alternatives' Chapter in the EIAR.

7.5. Planning Authority Response

The planning authority's response, dated 21st November 2023, may be summarised as follows:-

- It is considered that the comprehensive planning report deals fully with the relevant issues raised and justifies its decision to grant planning permission subject to conditions.

- The proposed development which is part of the wider masterplan area for the O'Connell Street Area will significantly regenerate a major under-utilised, brownfield city centre site and its potential to contribute to the positive transformation of O'Connell Street and its immediate area is of strategic importance to Dublin City.
- The planning authority welcomes the comprehensive mixed-use development as part of the wider Dublin Central Master Plan and the principle of the development is considered to be generally acceptable.
- The proposal would support and be in accordance with a number of policies and objectives of the Dublin City Development Plan 2022-2028, in particular Policy CEE 2 which aims to take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high quality outcomes.
- It is requested that the Board upholds the planning authority's decision to grant permission and that the following conditions be applied, should the Board decide to grant permission:
 - 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.

7.6. Observations

Two third party observations were received, one from Aengus O'Snodaigh TD (31/10/23) and one from Brian McGrath (27/11/23). The observations may be summarised as follows:

Aengus O'Snodaigh TD

- **Consideration of Site 2 in isolation is inappropriate** - The subdivision of the Dublin Central site into smaller sites can only be interpreted as an attempt

to avoid the scrutiny which a larger, denser, more impactful plan would be likely to face given the size and mass of the overall masterplan on the surrounding streets, lanes, businesses, traffic and historic context. However, it is submitted that the collective impact of the development must be considered, which it is considered would have a destructive impact on transport, local businesses, residents and the heritage of the area and should be refused on this basis.

- **Land ownership not secured** - The consent of owners of properties to the sale of certain lands is questioned. In particular, reference is made to lands owned by CIE and Dublin City Council and the legality of the process is queried. Any disposal of Dublin City land is subject to Council approval and given the opposition of councillors, the inclusion of the lands in the site is questionable. Furthermore, the landowner seems to have been the 'singular preferred bidder' in respect of the lands required to support the metro station box. This appears to violate all the tendering processes required.
- **Destruction of 1916 Battlefield site** – the overall development of the Dublin Central site, of which this application is an integral part, will facilitate the destruction of the 1916 battlefield site, including Moore Lane, O'Rahilly Parade, Henry Place and Moore Street. This development will remove the opportunity to fully maintain, enhance and utilise the heritage of this site for the benefit of future generations.
- **Unresolved controversy over possible inappropriate inducements in order to influence the outcome of negotiations with market traders** – it is alleged that cash inducements may have been paid to members of the public on a Ministerial Advisory Group to influence a preferred result from that Group which would have been favourable to the developer of the site. It is stated that the matter of whether public servants had offered monies to street traders has been referred to An Garda Síochána and that this investigation is ongoing. As such, it is considered that it would be inappropriate to determine the planning application/appeal in advance of the completion of the said investigation. At the very least, An Bord Pleanála should hold an oral hearing into the matter of the development proposals for the Dublin Central site.

- **Relationship with Metrolink** – the timeline (proposed) for the completion of the Metrolink project, (and associated underground railway station underneath Site 2) is 15 years, as the application makes it clear that the development is dependent on Metrolink proceeding immediately. However, if the Metrolink project does not proceed, neither can the development in its current form. Why is this application being ‘pushed through’ at this time and why is the station proposed at Upper O’Connell Street Terrace (Site 2), where its removal is necessary for the metro to proceed? Is it simply to facilitate the development?
- **Premature Demolition of Protected Structures** – if the development as proposed proceeds and Protected Structures are demolished, this has special relevance to heritage protection. Demolition of a Protected Structure is illegal and raises the question as to where the material would be stored. There is no certainty regarding the Metrolink project, and it is inappropriate for the proposed development to be tied so closely to this project, whose timeline is so vague and unclear. This would effectively be a grant of land and planning permission to a developer in perpetuity.
- **Protected Structures** – if a structure is protected, the protection extends to the interior of the structure, the land and curtilage which is/was used for the purposes of the structure. Section 58 *[of the PDA 2000 as amended, presumably]* requires each owner/occupier of a Protected Structure to ensure that the structure, or any element of it, which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, is not endangered. It is submitted that all the adjoined structures are regarded as having equal protection and status under the law. Thus, the proposal to demolish the O’Connell Street Terrace and retain only the facades is illegal and is in direct violation of the planning legislation.
- **Legislative requirements** - Section 57 of the PDA states that notwithstanding section 4(1)(h), the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of (a) the structure, or (b) any element of the

structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Protected Structures cannot be de-listed without a separate planning process initiated by the local authority, which must be for the purposes of conservation, not removal. The proposed development contravenes the Convention for the Protection of the Architectural Heritage of Europe.

- **Need to Conserve Upper O'Connell Street Terrace** – the proposal to demolish several Protected Structures (apart from the facades) on O'Connell Street upper is unacceptable. The buildings are mostly in good condition and could easily be repaired. The proposed development would result in their destruction and the loss of historic buildings dating from the 18th Century, the War of Independence and the art deco architecture of the 1920's to 1930's. Upper O'Connell Terrace should be preserved as a homogenous group. The following buildings are of significant value -
 - No. 43, No.44 and No. 45 O'Connell Street – three terraced Portland stone fronted buildings, all rebuilt after the 1916 Rising. They share a similar massing, parapet and cornice height No. 43 is a two-bay five-storey building over partially exposed basement, dated 1925, with shopfront to ground floor (rebuilt after 1916 Rising). NIAH describes each of the buildings and states that they play an important role in defining the streetscape and the character of the area.
 - 52-54 O'Connell Street – Former Carlton Cinema - a very fine art deco building and a Protected Structure.
 - Nos. 55-56 O'Connell Street - Dr. Quirkey's emporium – rebuilt in 1924 after being damaged during the Rising and subsequent wars. Red bricked structure is also protected.
 - Nos. 57 and 58 O'Connell Street – red bricked buildings rebuilt in 1925 and also protected.
 - No. 61 O'Connell Street – of 18th century origin and a unique survivor of the 1916 and 1922 street fighting and is of significant heritage and architectural value.

- **Visual Impact of proposed development** – it is clear from the photomontages that the proposed development would result in monolithic and oppressive brutalism which would efface the 18th century terrace. The cheap commercial architecture, which eventually replaced the 18th century shops and markets in Moore and Parnell Streets, is reinforced, not transformed, by the Dublin Central proposal, and is a continuation of the destruction of the Moore Street markets and streets to build the ILAC Centre in the 1980s. The proposal to demolish listed buildings on O'Connell St. will serve as a license for demolition of old buildings in Dublin City. If listed buildings on the main street of the capital can be struck off the protected list, (the protected status applies to the structure, not simply the extent façade) to facilitate this commercial development, then the concept of protected status under law is redundant.

7.7. Further Responses

A response to the First Party appeal was received from Moore Street Preservation Trust on the 17th November 2023. The response may be summarised as follows:

- The Trust challenges the assertion by the First Party that the permission has been granted for a duration of 11 years. It is submitted that the permission has been granted for 5 years and it is requested that this duration be confirmed should the board be minded to grant permission.
- Reference is made to the First Party's statement that the 11-year duration of permission was mentioned in the Site Notices and Newspaper Advertisement as part of the planning application. However, no mention was made of the submission of a 3D model in the revised Site Notices and Newspaper Notices (submitted with the Further Information), or where the model was to be publicly available. Throughout the planning process, the public was unaware of the availability of a scaled model, which was detrimental to the fairness of the planning process.

8.0 Assessment

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

- Dublin Central Masterplan
- Procedural issues
- Planning policy
- Cultural Significance and Built Heritage
- Principle/Justification of Extent of Demolition of Historic Buildings
- Architectural Approach and Urban Design Concept
- Height, Scale and Density of Development
- Transportation and Movement
- Impact on Amenities of Area
- Sustainability and Climate Action
- Duration of permission

8.1. Introduction

- 8.1.1. The proposed development of Site 2 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 61 O'Connell Street Upper is currently with the board as a concurrent application/appeal (ABP.318268).

- 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

8.2. Dublin Central Masterplan

- 8.2.1. **Site 2** 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. Dublin Central Development has provided a Masterplan for the development of the overall site which and has been submitted as part of the application/appeal. As Site 2 forms an integral part of the Masterplan, it is considered appropriate to highlight some of the main elements/concepts of the Masterplan at this juncture.
- 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 master plan 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 Site 2 (2C and 2AB) is being considered concurrently with the proposals for No. 61 O'Connell Street, 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. A wide range of documents were referenced by the applicant in setting the policy context of the proposed development, which have also been relied upon by the planning authority in its assessment of the case and by the third parties in the grounds of appeal/observations.

National Policy

8.4.2. It is considered that the proposed development accords with national policy as set out in the **National Development Plan 2021-2030** and in **Project Ireland (2040) - the National Planning Framework (NPF)**. The thrust of these policies is to direct future population and employment growth into central urban areas with particular emphasis on the five regional cities and on brownfield or regeneration sites. The NPF seeks to secure compact growth of urban areas and deliver higher densities in suitable locations.

8.4.3. There is considerable emphasis in the NPF on creating attractive, livable urban areas of high-quality design within the existing built-up footprints of cities which are designed to positively influence and encourage further such residential and employment growth in areas that are easily accessible by a wide variety of transport modes and can thereby provide for more sustainable living and travel patterns. The proposed development incorporates the Metrolink Enabling works which will ultimately facilitate the provision of the O'Connell Street station at this location.

8.4.4. The proposed development, in combination with the development proposals for the remainder of the Masterplan area, will 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 will result in 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.

Regional Policy

- 8.4.5. The Eastern and Midlands Regional Spatial and Economic Strategy (2019-2031) includes the Dublin Metropolitan Area Strategic Plan. The proposed development is considered to be generally in accordance with the policies and objectives which encourage compact growth, urban regeneration and consolidation /re-intensification of infill and brownfield lands (RPO 4.3). In addition, policy objectives seek to support the delivery of key sustainable transport projects (RPO 5.2) and to support the sensitive re-use of Protected Structures (RPO9.3).

Development Plan Policy

- 8.4.6. The relevant statutory plan is the **Dublin City Development Plan 2022-2028**, which came into effect on the 14th of December 2022 and on which the planning authority's decision was based. As previously noted, however, the Plan that was in place when the application was first submitted to the P.A. was the 2016 CDP (including the initial assessment by the P.A.). The Further Information Response (28th July 2023), and assessment following receipt of same, is based on the current statutory plan.

Zoning Objective

- 8.4.7. The site is **Zoned Z5** for which the objective 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 retail, offices, café/restaurant and cultural uses are all permitted in principle in this zone.
- 8.4.8. **Site 2** provides for 6 no. restaurant/café units of varying size from 58m² to 296m² and 8 no. retail units varying in size from 40m² to 1,041m². The proposed retail and restaurant units are at various locations at ground floor level along O'Connell Street, Moore Street, Moore Lane and the new street linking O'Connell Street with Moore Lane. The larger floorplates would be on O'Connell Street and the New Street. The upper floors of both Site 2AB and 2C would accommodate the majority of the office content of the masterplan area, providing for 33,714m².

- 8.4.9. These uses are consistent with the zoning objective and 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.

Office Accommodation

- 8.4.10. **Chapter 6 - Economic and Employment Strategy** of the Development Plan recognises the need for a vibrant mix of uses including high-quality modern offices in the city centre (CEE 8), and the Masterplan for Dublin Central development provides for residential development on some of the other sites. A limited supply of high-quality office accommodation outside the Docklands area and Heuston have been identified in the CDP (6.5.6) and Policy CEE 21 seeks to promote and facilitate the provision of new office space and to consolidate employment provision in the city centre. It is stated (6.5.6) that notwithstanding the changes to the office market brought about by Covid, an adequate supply of high-quality office and commercial floorspace is a key requirement for Dublin in attracting investment, supporting enterprises and generating employment.
- 8.4.11. There has been some criticism by third parties of the provision of office accommodation rather than residential at this location. However, as stated above, the CDP policies have identified a need for such office accommodation in the City Centre. The applicant in the RFI (SLA July 2023, Section 9.4) also refers to a document – ‘Dublin Central – Commercial Rationale Report’ (JLL), submitted with the application, which concludes that there is a long-term positive outlook for the Dublin 1 office market and that future office demand is likely to focus on high quality spaces and locations with ease of access.
- 8.4.12. It is considered, therefore, that the provision of the proposed volume of high-quality office floorspace, with access from O’Connell Street, in this central and highly accessible location, will help to create an essential critical mass of investment and development required to break the negative cycle of underdevelopment in this area as recommended in the CDP (6.5.5).

Retail and Restaurant uses

- 8.4.13. **Chapter 7** and **Appendix 2** of the CDP set out the retail strategy for the city. It is emphasised that the role of retail in the city centre is important in driving the competitiveness of the City in line with the Core Strategy. Retail development is required to locate in accordance with the retail hierarchy and should be sited within the designated centres. Dublin City is designated as a Level 1 City Centre Retail Core Area within the hierarchy and as such, is the main shopping destination within the region. The Retail Strategy for the city centre includes provision of a wide range of retail offers and flagship stores as well as a vibrant mix of uses, and the creation of an attractive and welcoming public realm to support the retail experience.
- 8.4.14. The site is located within the **City Centre Retail Core Area**, which is Dublin's premier shopping district, and O'Connell Street is a Category 2 Shopping Street within this district, 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 CDP (and retail strategy for the city) 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.
- 8.4.15. Site 2 provides for a mixed-use development with retail, café and restaurant uses at street level and offices on the upper floors. It is intended to provide for comparison shopping in the individual units on O'Connell Street and to diversify retail uses along the lanes. It is considered that the proposal to provide a significant level of ground floor retail uses through-out the site, with particular emphasis for larger units on O'Connell Street and the new street, which would be linked through pedestrianised streets to the established shopping areas to the west and south, is generally consistent with retail policies set out in Chapter 7 of the Development Plan.
- 8.4.16. The proposed development and wider masterplan also include substantial changes to and **upgrading of the public realm**, which includes the provision of a new street linking O'Connell Street with Moore Street/Moore Lane, the re-imagining of several existing laneways and the provision of a high-quality public realm which would be

more enticing and safer for the public to navigate than at present. These public realm improvements are generally consistent with the policies and objectives of the CDP (CCUV 37-42 inclusive and CCUV44) and with the Guiding Principles for Key Opportunity Site 1 of SDRA 10.

- 8.4.17. The applicant is seeking a level of **flexibility** as to how the retail/restaurant units will function with a range of uses mentioned in the public notices including shop, licensed restaurant and café with take-away facilities. It is considered that the introduction of a wide range and considerable number of active ground floor uses will help to re-invigorate the area and create lively, animated streets which will encourage people into and to stay within the area.
- 8.4.18. The approach of seeking flexibility of uses is considered reasonable and is likely to encourage a mix of day and night uses, which are currently lacking in the area. This would be appropriate provided that the number of hot food take-aways is not excessive. As such, a certain level of flexibility could be permitted but it is recommended that a condition be attached, should the Board be minded to grant planning permission, seeking the P.A.'s consent for the proposed occupants to ensure an emphasis of sit-down restaurants rather than take-away facilities.
- 8.4.19. In addition to the retail and restaurant/café uses referenced above, it is proposed to create a **landmark licensed restaurant** in the former Carlton Cinema (878m²) over several floors and a further licensed restaurant/cafe unit (with take-away element) in the refurbished former Reading Room (244m²). These grand spacious and iconic buildings are likely to provide destination venues which have the potential to create new hubs for the development of clusters of further lively active uses that will attract people into the area.
- 8.4.20. The combination of retail and restaurant uses, spread across a mix of typologies will create a vibrant mixed-use environment which is generally in accordance with the retail policies for the city centre.

Transportation and sustainable development

- 8.4.21. **Chapter 8** sets out the Transportation policies. The provision of higher density development in central and highly accessible locations is consistent with the policies and objectives of this chapter. The proposed scheme includes a minimal amount of on-site parking and prioritises cycle parking. This is in accordance with the active

travel and sustainable movement policies. However, given the central and highly accessible location of the site, the provision of zero car parking on site would also be appropriate in terms of the Development Plan policies.

- 8.4.22. The proposed development also incorporates enabling works to facilitate the provision of the planned **Metrolink station** on O'Connell Street, which would have entrances from both O'Connell Street and Moore Lane, helping to increase the footfall and level of activity on the lanes. This element of the proposal, together with the public realm improvements and introduction of a wide range of active uses at street level along the lanes, and the minimisation of car parking and provision of a good level of cycle parking are generally in line with the policies and objectives of the Sustainable Movement and Transport Chapter (8) in the CDP.

Cultural significance of built heritage

- 8.4.23. **Chapter 11** sets out the Built Heritage policy for the city. These policies generally seek to ensure that new development will conserve and enhance the character and special interest of Protected Structures, their curtilages and settings, and the character of conservation areas. There is also a presumption against the loss of Protected Structures (BHA3) Buildings rated as Regional on the NIAH Register (BHA5), Demolition in an ACA and in conservation Areas (BHA8/BHA10). In addition, the Building Height Strategy contained in Appendix 3 requires new development which exceeds the prevailing height and/or density of the locality to comply with certain criteria, (Table 3), including the protection of historic environments from insensitive development.
- 8.4.24. Site 2 is located within a designated Architectural Conservation Area fronting onto the main city thoroughfare of O'Connell Street and also contains and adjoins several Protected Structures and Regionally Rated buildings on the NIAH. The proposed development of Site 2 involves a very significant amount of demolition in a sensitive historic environment, including the buildings behind several Protected and historic facades. The demolition would be followed by deep and substantial excavations to facilitate the structural box which would eventually accommodate the Metrolink station. It also involves the retention and repair of the historic facades and the construction of two new buildings of significant scale behind the facades.

- 8.4.25. Concern has been raised by third-parties, prescribed bodies and the P.A. Conservation Officer regarding the extent of demolition and the height and scale of the new buildings, which was considered to be contrary to the policies and objectives of the CDP. This matter will be addressed in detail in the following sections. However, it is worth noting at this juncture that justification for the extent of demolition has been put forward on the basis of the need to incorporate the underground structural box for the Metrolink station and given the extensive demolition that had already been permitted on these lands (ABP PL29N.232347).
- 8.4.26. In addition, several third parties raised objection to the manner in which the proposed development addressed the historical and cultural significance of the area incorporating the National Monument, the GPO and the network of lanes connecting them, as well as the likely impacts on the Moore Street Market. Observers considered the approach to be inappropriate and inadequate given the sensitivity of the site and surrounding area and the significant national importance of the buildings and lanes within the Masterplan area. These matters, including compliance with the relevant policies of the Development Plan and other relevant policies such as Building Height guidance, Architectural Heritage Protection guidance, will be addressed in subsequent sections of this report.

Cultural and community space

- 8.4.27. **Chapter 12** sets out the CDP policy in respect of cultural, artistic and community uses. It highlights the importance of cultural and community spaces to the economic growth of the city. However, the chapter also seeks to address the challenges facing the sector, such as those created by gentrification, whereby such spaces can be displaced and have to compete for more expensive lands (12.3). The CDP seeks to facilitate a wide range of cultural facilities as they provide vitality and vibrancy and attract people to the city, but it is stated that this should not be a cost of delivering the compact growth agenda (12.5.3).
- 8.4.28. Policies **CU7** seeks to promote the growth and regeneration of such areas, to create cultural quarters and communities (and this area specifically). Parnell Square and North Inner City (including Moore Street and O'Connell Street) has been designated as a cultural hub and an emerging cultural quarter (**CU9**). The National Monument (14-17 Moore Street) is the subject of **Objective CUO9** which supports the

preservation and restoration of the historic terrace, adjacent yards and lanes and the establishment of a commemorative visitor centre.

8.4.29. **Policies CU12 and CU13** seek to grow the range of cultural spaces and facilities in tandem with new developments and to protect existing cultural uses. There is also an emphasis on providing opportunities for cultural spaces within communities and it is noted that the North Central Area has been identified as one that is underprovided in this regard (12.5.5). There are several policies (**CU12, CU13, CU15, CU20 and CU29**) which generally seek to protect, expand, encourage and facilitate cultural artistic expression and engagement in the community and to mitigate against social exclusion. It is noted that **CU29** is intended to encourage greater use of the **public realm** for cultural events/outdoor performances. Thus, it is envisaged that public squares and plazas could be used to host markets, music venues, spaces for festivals etc.

8.4.30. It is clear, therefore, that the current Development Plan seeks to retain and expand the level of cultural and community uses and facilities and to grow the range of such facilities in tandem with new development, particularly larger developments in regeneration areas. This is designed to make the city more attractive to residents, workers and visitors and to compensate for the increasing pressures on this vulnerable sector in the face of higher land prices. There are several **Specific Objectives** that are of particular relevance to the current proposal, namely, **CUO25, CUO26, CUO57 and CUO58**.

8.4.31. **Objective CUO25** requires the provision of **Community Arts and Culture space** representing a minimum of **5% of development floorspace**, in all new regeneration areas (SDRAs) where the development involves 10,000sq.m or above. This should include exhibition, performance and artist workspaces (predominantly internal floorspace) and shall incorporate both cultural/arts and community uses individually, or in combination, unless there is an evidence base to justify the 5% going to one sector. This requirement is reiterated in SDRAO1.

8.4.32. **CUO25** is intended to ensure that large scale developments in **regeneration** areas provide for an adequate level of new cultural/arts/community spaces and **CUO26** seeks to ensure that where such existing spaces are lost (through demolition and redevelopment), an equivalent space/facility is replaced. Objectives **CUO57** and

CUO58 seek to utilise large scale developments to increase the provision of public art with the Percent for Arts Scheme and a requirement for schemes of greater than 25,000m² to include an element of public art.

- 8.4.33. The **applicant's response** to the new policy requirements in relation to Culture introduced in the 2022 Development Plan, is set out at Section 9.7 of the Planning Application Report Further Information (SLA, July 2023). It is stated that alterations were made to Site 2C to provide a community/arts/cultural space by omitting the small retail unit fronting Moore Lane (adjacent to Northern lane) together with the replacement of office space directly above (FF level). This would provide for a total of 553m² GFA of community/cultural floor space as well as a direct access from Moore Lane. This would represent 1.44% of the 38,479m² GFA of the Site 2 development. However, the applicant has submitted that in addition to the 553m² internal space, it is proposed to provide a Pocket Park adjacent to the Reading Room (120m²) and 'New Streets and Passageways' with a stated allocation of 650m². This would provide a total of 1,323m² which represents 3.4% of the GFA.
- 8.4.34. It is further submitted that Site 2 should not be assessed in isolation, and that it is appropriate to assess the provision of community, arts and cultural space in the context of the wider Masterplan for the Dublin Central site. Thus, all of the outdoor spaces (and indoor spaces) across Sites 2, 3, 4 and 5 were combined to give a total of 3,927m². I would refer the Board to the tables on pages 44 and 45 of the SLA RFI Planning Report (July 2023).
- 8.4.35. The **'Total Cultural/Social Space' (3,927m²) for the Masterplan Area** is made up of 3 no. internal spaces and a variety of external spaces.

The internal space items included the following

- Proposed community/culture space - Site 2 (553m²)
- the 'White Building' - Site 3 (123m²)
- Extension to National Monument - Site 4 (60m²)

=> **Total Internal Space of 736m².**

The external space items included the following:

- Pocket Square - Site 2 (120m²)

- Public Square - Site 4 (1,085m²) and 5 (168m²) – Total 1,253m²
- Historic Paving Across the Masterplan – location not specified (690m²)
- New Streets and Passageways – Site no. 61 (68m²), Site 2 (650m²) Site 3 (410m²) – Total 1,128m²

⇒ **Total External Space 3,191m².**

8.4.36. On this basis, the applicant submitted that the combined indoor and outdoor space of 3,927m² represents 10% of the total GFA for Site 2 (38,497m²) or 5.2% of the total Dublin Central GFA (75,916m², excluding the Site Enabling Works). However, it is not clear what this total DCP figure for GFA is based on and whether it includes the Metrolink public areas and/or other areas. Reference is made to Section 12.5.7 of the CDP (Culture in the Public Domain) and to Obj. CUO37 – Street Art, in terms of justifying the inclusion of the variety of external spaces as outlined above. Reference is also made to the Metrolink public areas which account for 11% of the total Dublin Central GFA, and which it is submitted should be included in the calculation of community, arts and cultural space.

8.4.37. Having regard to the strategic approach and stated aims of the Culture Chapter of the CDP it is considered that the degree to which the applicant is relying on the use of external or outdoor spaces in order to meet its obligations with regard to CUO25 does not appear to be in accordance with the requirements of this objective. The purpose of the chapter is to retain, enhance and expand upon the cultural/community space within the area, which is at a heightened risk of being lost due to regeneration and gentrification. This is to be achieved by increasing the range of facilities available for exhibition, performance and artist workshops, as well as the amount and distribution of the space and should consist mainly of internal floorspace.

8.4.38. On the basis of the figures presented, I estimate that the **CUO25** requirement to provide 5% of new development floorspace, (where the development exceeds 10,000m²), requires **1,924.85m²** space to be provided within **Site 2** for community, arts and cultural uses, (based on GFA of 38,497m²). However, the total amount of space proposed to be set aside within Site 2 is stated as 1,323m², which is only 3.4% of the GFA for this site. This figure is also based predominantly on outdoor public spaces (120m² pocket square and 650m² new streets) with only 553m² as internal floorspace. CUO25 also requires the provision of both cultural/arts spaces

and community uses individually or in combination, unless there is an evidence base to justify 5% going to one section only. It is not clear from the submissions on file to which sector the spaces would be allocated.

- 8.4.39. The Objective includes an option to relocate a portion of the figure (no more than half) to a site immediately adjacent to the area, provided it can be demonstrated that it would give rise to a better outcome. The submission on file does not specifically address this option. However, it includes a range of figures demonstrating that the percentage of cultural space of the entire Masterplan development floor area would meet/exceed the 5% threshold for the overall development, with and without the Metrolink public areas.
- 8.4.40. This may be the case, but again, the community/cultural floorspace proposed to serve the Masterplan area is predominantly outdoor space with only 736m² out of 3,927m² (c.19%) specified as internal space. It also includes areas which are questionable in terms of their likely contribution to cultural/arts and community uses, as they include a large amount of functional and circulation space, ('new streets and passageways' and the 'historic paving areas'). I note that the figures given for these spaces represent almost half of the total cultural space for the Masterplan area. Although 12.5.7 and CU29 promote the inclusion of public spaces to be used as performance and events spaces, this is considered to be just one element of the required provision. The over-reliance on external public space to meet the objective is therefore considered to be inappropriate.
- 8.4.41. The recent applications/appeals for Sites 3, 4 and 5 had also relied almost entirely on these same outdoor spaces as well as the public plaza and pocket square. It is noted that Site 2 is intended as the economic driver of the Masterplan area, providing c.33,714m² commercial office space. As such, it is considered that provision should be made within the development site for an adequate quantum of cultural/arts and community spaces, which should be predominantly in the form of internal spaces. In addition, as the current proposal is a standalone application of a significant scale, albeit as part of a wider masterplan area, it is considered that the reliance on the provision of sizeable portion of the required cultural/community space outside of Site 2 is inappropriate in this instance.

8.4.42. It is further noted that Objective **CUO26** requires that where demolition is proposed of a cultural space/use, such as a theatre, cinema, artist studios, performance spaces etc, the development must re-accommodate the same or increased volume of space/use or a similar use within the development. The development of Site 2 will involve the demolition of the Carlton cinema site which could potentially result in the loss of additional cultural floorspace. However, it is noted that the Carlton cinema closed in 1994 and has not been used for cultural/community space in the intervening period. Thus, it is considered that there is no requirement for this cultural space to be replaced/compensated for within the development.

8.4.43. The objectives requiring the provision of **public art**, **CUO57** and **CUO58**, relate to large scale regeneration schemes, where the total scale of regeneration exceeds 25,000 sq.m. As the Site 2 development exceeds this figure and the Masterplan development exceeds the figure by a substantial amount, this objective should be met. I note that the applicant (RFI July 2023) had suggested that there may be an opportunity for the inclusion of street art along the passageway to the rear of No. 61 O'Connell St., subject to P.A. agreement. It is considered, therefore, that this could be achieved by means of an appropriately worded condition should the Board be minded to grant permission.

8.4.44. **To conclude - CDP Culture Objectives**, it is considered that the proposed development as submitted (and revised) would not deliver the quantum of Community/Arts/Cultural space within the site required by CUO25. The proposed development would, therefore, constitute a **Material Contravention** of the Dublin City Development Plan 2022 in respect of **CUO25**. However, it is considered that should the Board be minded to grant permission, a condition requiring allocation of a minimum of 5% of floor space, predominantly as internal space, to community and/or arts/cultural use should be attached to any such permission.

Strategic Development Regeneration Areas

8.4.45. **Chapter 13** relates to **SDRAs**. The Dublin Central lands fall within **SDRA10- North East Inner City** and a **Key Opportunity Site (No. 1)** has been designated for these lands. Although the P.A. is committed to preparing an LAP for this area, I am not aware that this has been initiated. The applicant has, in the absence of such an LAP, prepared a Masterplan for the lands which has been discussed in section 8.2 above.

- 8.4.46. **The Guiding Principles for Key Opportunity Site 1** envisages a heritage-led, mixed-use regeneration which acknowledges and responds creatively to the cultural roles and historical significance of this site. The Masterplan should include convenient access routes to the planned Metrolink stop, quality connections across the site and a cultural interpretive element. It must also include an East-West pedestrian route interlinking at least two new civic spaces, utilising the existing lane structure for cross connections. Specifically, a new pedestrian connection is required linking O'Connell Street upper with Moore Street via a new public square and also linking Henry Street to Henry Place /Moore Lane. It was required that a high-quality architectural response and a good range and mix of uses be incorporated into the redevelopment of these lands.
- 8.4.47. Other requirements of the Guiding Principles include the restoration of a significant element of the Upper O'Connell Street streetscape, restoration of the 1916 buildings on Moore Street, acknowledgement in the scale and design of new buildings of the historical and cultural significance of the National Monument and the incorporation of a commemorative visitor centre. The proposed development of Site 2 which provides for a large-scale mixed-use development incorporates the East-West Street, two civic squares, a wide range of ground floor active uses and an enhanced public realm with significantly increased permeability through the site.
- 8.4.48. Overall, it is considered that the proposed development is generally in accordance with the guiding principles. However, compliance with these guiding principles will be discussed again in the following sections.

Area Specific Policy for O'Connell Street and Environs

- 8.4.49. Third-parties have criticised the proposed development as being inconsistent with some of the policies and objectives for the O'Connell Street/Moore Street area. The Area-Specific policies include the **O'Connell Street ACA**, the **Scheme of Special Planning Control for O'Connell Street & Environs (2022)** and the Guiding Principles for the **Key Opportunity Site No. 1**, forming part of the **SDRA 10 – North-East Inner City** (Chapter 13 of the CDP). Many of these objections relate to the impacts of the proposed development on the built heritage environment, including several Protected Structures and the National Monument, the O'Connell Street Architectural Conservation Area. As noted previously, the Conservation

section of the P.A. raised serious concerns regarding the extent of demolition and the height and scale of the buildings at both Sites 2C and 2AB and their design in terms of the impact on the O'Connell Street streetscape, the setting of Protected Structures and the tight urban grain of the historical laneways.

- 8.4.50. These matters, including compliance with the relevant area-specific policies listed above, the policies and objectives of the current Development Plan and other relevant guidance such as Urban Development and Building Height Guidelines, Architectural Heritage Protection Guidelines for Planning Authorities, will be addressed in subsequent sections of this report.

Conclusions on planning policy

- 8.4.51. **In conclusion**, it is considered that the regeneration and revitalisation of a strategic site in the heart of the city centre, which has in recent years experienced significant levels of vacancy, dereliction and under-utilisation resulting in an environment characterised by decline and neglect which has discouraged people from coming to and dwelling in this part of the city is welcomed and is broadly in accordance with a suite of policies contained in the Development Plan and in other national, regional and local plans and strategies which seek the regeneration of the area.
- 8.4.52. Notwithstanding this, it is acknowledged that there are certain constraints and sensitivities arising from the cultural, historical and architectural significance of the site which will be material considerations in the assessment of the proposed development. In addition, the failure to provide adequate community, arts and cultural spaces as required by CUO25 and CUO26 would materially contravene these development plan policy objectives.

8.5. Cultural significance and built heritage of the site

- 8.5.1. The proposed development provides for the retention and adaptive use of several buildings and the retention of the facades of others, but also involves the demolition of a significant number of buildings throughout the site, particularly along the rear laneways. Documentation and drawings submitted with the application include comprehensive surveys and assessments of the individual buildings within the site which have been undertaken by M. Molloy & Associates Conservation Architects

which informed both the overall masterplan and the documentation accompanying the application. I refer the Board to the following documents

- Conservation Plan for the Dublin Central Masterplan Area (2021)
- Appendix 4A (Masterplan) Baseline Assessment of 1916 and 1922 Battlefields and Evacuation Routes within the Dublin Central Masterplan Area
- Architectural Heritage Impact Assessment for Site 2 (as amended July 2023)
- Chapter 15 of the EIAR (as amended by FI July 2023)
- EIAR Appendices 15.3-15.13 (inclusive), Vol. 2, Building Inventory, Record & Description of Nos. 43-60 O'Connell Street (inclusive).

8.5.2. The **Architectural Heritage Impact Assessment** – AHIA - (5.0) sets out a **Statement of Significance** for each of the buildings, which is based on the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 with a diagram delineating the ratings provided in Figure 5.1. Within Site 2, Nos. 43, 44, 45, 46-49, 52-54 (front section only), 57 and 58 O'Connell Street Upper are rated as 'Of Significance', Nos. 55-56 O'Connell Street Upper and the rear section of 52-54 O'Connell St. Upper, Carlton Cinema) are rated as 'Of Moderate Significance' and the site at 50-51 (vacant) is rated as 'Of Limited /No Significance'. However, No. 42 O'Connell St. and O'Connell Hall (outside Site 2) are rated as 'Of High Significance.'

8.5.3. The AHIA (3.6) also refers to the rich historical contribution of Site 2 to the changing character of the city arising from its connections with the urban battlefield of 1916 and 1922, which it is stated merits adherence with the principles of certain international architectural heritage protection charters and standards in its redevelopment. The Charters of Venice 1964, Granada 1985, Washington 1987 and Burra 2013 are considered integral to the assessment of impacts.

8.5.4. Within **Site 2**, the following structures are to be **retained/repaired**:

43 O'Connell Street Upper – Front Façade (Protected)

44 O'Connell Street Upper – Front Façade (Protected)

45 O'Connell Street Upper – Front Façade (Not Protected)

52-54 O'Connell Street Upper – Upper Floor Front Façade (Protected)

57 O'Connell Street Upper – Front Façade (Protected)

58 O'Connell Street Upper – Front Façade (Protected)

Reading Room (Rear 59 O'Connell Street Upper – Not Protected)

8.5.5. Within **Site 2** the following structures are to be **demolished**:

Rear 43 O'Connell Street Upper (Site protection works for front façade)

Rear 44 O'Connell Street Upper (Site protection works for front façade)

Rear 45 O'Connell Street Upper (Site protection works for front façade)

46-49 O'Connell Street Upper – (Complete plot demolition)

50-51 O'Connell Street Upper – (Vacant site with some remnants of former building)

52-54 O'Connell Street Upper – (Site protection works for front façade)

55-56 O'Connell Street Upper – (Complete plot demolition)

57 O'Connell Street Upper - (Site protection works for front façade)

58 O'Connell Street Upper - (Site protection works for front façade)

Structures to rear 59 O'Connell Street – Regency Annex, Car port

60A O'Connell Street Upper (former coach house corner Moore La/Henry Pl.)

8.5.6. **Summary of Main Elements of Proposed Development**

- **Demolish** all structures on site apart from Protected Facades (Nos. 43, 44, 52-54, 57 and 58 O'Connell Street), non-protected façade at No. 45 O'Connell Street and the Reading Room to the rear of No. 59 O'Connell Street. Retained façades and Reading Room to be refurbished, repaired and restored.
- **Excavate** under Site 2 to create MEW box (120m x 26m x 34.5m) and single level basement incorporating access ramp from Moore Lane, 32 no. parking spaces and 372 cycle spaces, (later amended to 27 car parking spaces and 512 cycle parking spaces as RFI July 2023).
- **Metrolink** - Accommodate TII MEW Structural Box under Site 2 to facilitate later construction of metro station with entrances from O'Connell Street and Moore Lane and an emergency entrance on Moore Lane.

- **Construct 2 new buildings 6-8 storeys in height**, one on **Site 2AB** and one on **Site 2C**, behind the retained facades providing retail entrances at street level and offices at upper levels. The new buildings will use set-backs and stepping of upper floors from street edges to minimise visual impacts. Offices will be accessed from O'Connell Street and Henry Place.
- Construct **New Street** in approximate location of plots 50-51 O'Connell Street Upper to link O'Connell Street with Moore Lane and Moore Street.
- Construct new **infill facades** on sites of Nos. 46-49 O'Connell Street (1960s office block) and 55-56 O'Connell Street (Dr. Quirkey's).
- **Carlton Cinema** – Retention and repair of façade including restoration of art deco frontage and glazing and reinstatement of canopy to resemble original. Provide large multi-level 'landmark' restaurant above ground floor retail unit.
- **Reading Room** – Retain and repair/refurbish Reading Room formerly associated with Sackville Street Club including reinstatement of original internal ceiling volume and adapt use to new restaurant. The remainder of the ancillary buildings surrounding the Reading Room will be demolished and a pocket park provided adjoining it.
- **Public realm works** – improvement works to O'Rahilly Parade, Moore Lane, Henry Place, provision of new street and public plazas.
- **Utilities** – services to be laid underground along Parnell Street for 49m west of junction with Moore Lane, 2 no. ESB substations to be provided and 3 no. lattice towers to be erected on roof-tops to accommodate 3 no. 800mm antennae and 2 no. 300mm microwave link dishes.

8.5.7. The concerns relating to impacts on cultural heritage raised in the third-party appeals and observations related principally to -

- Justification for the extent of **demolition** of Protected Structures with consequent loss of heritage assets, destruction of the 'O'Connell Street Terrace' and adverse impacts on Protected Structures and ACA.
- Impact of **MEW** on architectural heritage of area given extent of excavation and demolition required and need for Metro station at this location.

- Potential impacts of **sequencing of demolition, excavation and construction** works on the architectural heritage and visual amenity of the area.
- Visual and heritage impacts on the **O'Connell Street ACA**, setting of **Protected Structures** and the **historic laneways**, given the extent of demolition combined with the height, scale and design of buildings.
- Adverse impacts on the integrity of the **1916 battlefield site** including the setting of the National Monument and evacuation route.

8.5.8. These matters will be addressed in the following sections.

8.6. Principle of Demolition of Protected Structures/Historic buildings

- 8.6.1. Third party concerns relate to the extent of demolition of buildings mainly on O'Connell Street, which are generally referred to as Protected Structures, and to the fact that they are in very good condition and should therefore be retained and repaired. It should be noted that some of the buildings referred to are not included in the Record of Protected Structures and of those that are on the RPS, the protection generally relates to the facades only. Reference is also made to the alleged 'illegality' of the demolition of Protected Structures on the basis that 'protection' extends to the entire property, including the interior, and its curtilage.
- 8.6.2. As set out at 8.5.4/5 above, there are only five Protected Structures within Site 2, namely, the Front Facades (only) of Nos. 43, 44, 57 and 58, O'Connell Street Upper, respectively and the upper floor façade of Nos. 52-54 O'Connell Street Upper (Carlton). It is proposed to demolish the rear sections of each of these buildings but to retain and refurbish the protected facades. The issues arising under this heading can be examined firstly, in terms of establishing the legal basis for protecting part of a structure and for demolition of a Protected Structure and secondly, with regard to the policy basis for the demolition of historic buildings, including Protected Structures, in an Architectural Conservation Area or Conservation Area.
- 8.6.3. **Protecting part of a structure** – The Record of Protected Structures (2022 CDP) protects only the facades of Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper and in respect of Nos. 52-54 (Carlton cinema) only the upper floors of the façade are protected. This is broadly consistent with previous Development Plans, although the

extent of the front facades of Nos. 43, 44, 57 and 58 have been expanded to include the whole of the front facades in the recently adopted 2022 CDP, (previously only the upper floors were protected).

- 8.6.4. **Section 56 of the Planning and Development Act 2000** (as amended) permits the protection of specified parts/elements of a structure or a specified feature within the attendant grounds to be included in the Record of Protected Structures, as distinct from the entire structure. Thus, the protection of just the front façade of the properties listed above is in accordance with the legislation. The **Architectural Heritage Protection Guidelines for Planning Authorities, 2011**, (2.5.2) states that although it is possible to give protection to part of a structure, the initial assessment should include the whole of the structure before it is established that only a specified part of the structure is worthy of protection.
- 8.6.5. The Protected Structures on this part of O'Connell Street mainly relate to buildings which were constructed in the 1920s and 1930s on the sites/plots of former 18th Century town houses, following the large-scale destruction of historic buildings on the street during the 1916 Rising and subsequent Civil War and War of Independence. I note that the 'Descriptions' and 'Appraisals' contained in the NIAH Listings for each of these Protected Structures focuses on the facades of these buildings and the contribution of same to the streetscape. It is further noted that the previous permission for the redevelopment of the overall lands, (PL29N.232347, roughly equivalent to Dublin Central Site), included the demolition of all but the facades (being the protected element) of each of these Protected Structures, and that permission only expired in May 2022. The protection of solely the facades of these buildings is, therefore, part of the long-established policy in respect of heritage protection on this terrace.
- 8.6.6. **Extent of protection - Section 57(1) of the P&D Act** requires that the carrying out of works to a Protected Structure, or a proposed Protected Structure, be subject to planning permission where the works would materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In the current case, the proposed works affecting both Protected Structures and Proposed Protected Structures have been included in the planning application, in considerable detail, and the proposed works (including demolition), will be addressed

in my assessment below. However, beforehand, it is necessary to address the claims that the proposed demolition is 'illegal' and that the 'Protected status' provides for protection of the entire property, including the interior and the curtilage.

8.6.7. **Section 57(10) of the Act** states:

- (a) For the avoidance of doubt, it is hereby declared that a planning authority or the Board on appeal—
 - (i) in considering any application for permission in relation to a protected structure, shall have regard to the protected status of the structure, or
 - (ii) in considering any application for permission in relation to a proposed protected structure, shall have regard to the fact that it is proposed to add the structure to a Record of Protected Structures.
- (b) A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.

8.6.8. Clarification on this issue was provided in a recent **Supreme Court** judgement (**Fionuala Sherwin v An Bord Pleanala [2024] IESC 13**), **Woulfe J. (April 2024)**.

One of the main issues examined in the judgement related to the correct interpretation of **S57(10)(b)**, arising from a previous High Court decision on the matter. The question centred on whether 'demolition of a Protected Structure (or proposed PS)' in S57(10)(b) should be interpreted as including the terms 'or part of the structure' or 'elements of the structure', given the definition of 'structure' and 'protected structure' in Section 2 of the Planning and Development Act. The implications of the HC judgement would have meant that the demolition of *any part* of a Protected Structure (including the interior, lands/structures lying within the curtilage etc.), would have triggered the need for consideration of 'exceptional circumstances'.

8.6.9. However, Woulfe J. concluded that the Trial Judge had erred in his interpretation of S57(10)(b) and that the context **does** require an alternative meaning to the word 'structure' as set out in S2 of the Act, so that 'exceptional circumstances' would not be triggered by the proposed demolition of *any part of the structure*. Clarification was provided by the Supreme Court in this judgement, therefore, that S57(10)(a) requires

that all works to a Protected Structure, including demolition of part of the structure, must have regard to the 'Protected Status' of the structure, but that 'Demolition works' (comprising demolition of all or a substantial part of the Protected Structure) would constitute a 'special category of works' which should not be permitted 'save in exceptional circumstances'.

8.6.10. In the case of Dublin Central Development Site 2, as noted previously, it is only the front facades that are protected, and there are no proposals before the Board to demolish any part of the protected facades. Thus, it is proposed to retain, repair and refurbish the entirety of the Protected Structures, i.e. the facades. Although it is proposed to demolish the remainder of these buildings, including the interiors, fixtures and features and the lands/structures within the curtilages of each PS, which form an integral part of each PS, it is considered that the requirement to consider 'exceptional circumstances' would not be triggered in this case.

8.6.11. Notwithstanding this, however, it is acknowledged that the proposed development includes significant works, (including large-scale demolition to the rear, extensive and deep excavation underneath the protected structures and the construction of substantial buildings to the rear of the facades), which would have the potential to significantly affect the character and special interest of these Protected Structures, including their settings. As such, it will be necessary to assess the impacts of these works, having regard to the protected status of these buildings. This will be addressed below. In addition, the potential impacts of the proposed development on the character of the streetscape of O'Connell Street and the historic laneways associated with the battlefields, and the setting of the National Monument, which form part of designated Conservation Areas, will also be addressed in subsequent sections.

8.6.12. Relevant architectural heritage protection policies in the current **Dublin City Development Plan (2022)** include the following, which are summarised in 6.3.7 above:

BHA2 Development of Protected Structures

BHA3 Loss of Protected Structures

BHA5 Demolition of Regional Rated Building on NIAH

BHA7 Architectural Conservation Areas

BHA8 Demolition in an ACA

BHA9 Conservation Areas

BHA10 Demolition in Conservation Areas

BHA11 Rehabilitation and Reuse of Existing Older Buildings

BHA15 Twentieth Century Buildings and Structures

BHA18 Historic Ground Surfaces, Street Furniture and Public Realm

BHA24 Reuse and Refurbishment of Historic Buildings

BHA26 Protect and Preserve Monuments and Places (on RMP)

BHA30 Moore Street National Monument.

- 8.6.13. This suite of policies establishes a general presumption against the demolition or substantial loss of Protected Structures, Proposed Protected Structures (including those listed on the NIAH as being Regionally important or higher), and buildings within ACAs/Conservation Areas which positively contribute to the character of these areas except in exceptional circumstances, and in the case of ACAs/CAs, where such loss would also contribute to a significant public benefit. In addition, these policies generally seek to ensure that any works to, or development of, Protected Structures, or works which might affect the curtilage or setting of these structures or adversely affect the character of an ACA/CA, would not harm the character or special interest of the PS or ACA/CA, would contribute positively to the character of the conservation area, would have regard to the Architectural Heritage Protection Guidelines (2011) and would be in accordance with best conservation practice. They also seek to ensure that archaeological material is protected and preserved, including National Monuments.

Conclusions on Principle of Demolition

- 8.6.14. **In conclusion**, it is considered that the protection of part of a structure only is permissible and that the demolition of part of a Protected Structure or a historic building in an ACA can be considered in principle provided that any such proposal complies with the architectural protection policies and best conservation practice, as set out in the CDP policies referred to above and in the Architectural Heritage

Protection Guidelines (2011). These matters will be considered in the following sections.

8.7. Justification for Extent of Demolition

- 8.7.1. The AHIA submitted with the application includes the Conservation Strategy for the Dublin Central Site. It is pointed out that the key difference between Site 2 and the other sites within the Masterplan area is that it is intended that this site will accommodate a large structural box underneath the ground floor level to facilitate the construction of the O'Connell Street Metrolink Station. Thus, prior to the commencement of construction works at Site 2, it will be necessary to demolish a large section of the site prior to the undertaking of the significant excavation works under sites 43-59 O'Connell Street. These excavation works will necessitate the demolition of Nos. 46-49 and Nos. 55-56 O'Connell Street Upper, respectively, in their entirety and the demolition of the structures behind the facades of the Protected Structures fronting onto O'Connell Street Upper and of No. 45 O'Connell St Upper.
- 8.7.2. I propose to address the impact of demolition under separate headings, namely,
- Works to Retained Structures/Facades
 - Demolition involving Protected Structures,
 - Demolition involving Non-Protected Structures including buildings on NIAH
 - Impact of demolition on the character and special interest of adjoining Protected Structures and the O'Connell Street ACA.

1. Works to Retained Facades and Structures

- 8.7.3. The retention of the facades and the integration of the retained fabric into the proposed scheme is a key element of the conservation strategy as set out in the AHIA (6.3). In addition, the Masterplan includes a 'Façade Retention Strategy' as an Appendix (DC-AM-22-XX-RP-A-10-0725) as well as an 'Outline Schedule of Proposed Works to Retained Fabric' (Appendix A2.15). A large volume of information has been submitted which provides a high level of detail, contained within various documents, regarding the specification and methodology of the proposed works, in respect of the retention and repair of the facades and the management of the interface between the retained fabric and the new-build

structures. Further details were submitted with the RFI on the 23rd July 2023, which provided additional clarification on these matters.

- 8.7.4. Prior to any demolition works taking place, it is proposed to ‘front-load’ the conservation works to the facades of Nos. 43, 44, 45, 52-54, 57 and 58 O’Connell Street Upper, respectively. This will involve the inspection and repair of the facades by the Project Conservation Architect and Specialist Temporary Works Contractor before, during and after any works to ensure that vulnerable fabric, features and materials on the facades are adequately protected at all times. The stated aim is to optimise the structural integrity and stability of the facades to be retained prior to any demolition taking place.
- 8.7.5. Following a detailed inspection of the fabric within the interiors, all significant features will be recorded and removed for safe storage off-site. This will include windows, window frames, cast iron rainwater goods etc. Temporary works of support will then be put in place by specialist conservation experts to support and protect the facades during demolition and conservation works. No new fixings into vulnerable materials and finishes on the external facades will be made. The support works will include application of frames to window and door openings and a steel frame to the external and internal faces of the retained facades. The fabric of the façade will then be covered in vapour permeable weatherproof sheeting to protect it from the elements.
- 8.7.6. It is considered that the proposed conservation and repair works will be undertaken in accordance with the best practice conservation methodologies and will be carried out by competent people with conservation expertise. Significant architectural features will be retained and re-used, and all features will be recorded by photographic record and inventories.
- 8.7.7. The retention and restoration works to the facades, including masonry repairs, replacement of inappropriate windows and shopfront repairs, would enhance the appearance of the streetscape and of the Protected Structures and would positively contribute to the character of the O’Connell Street ACA. It is considered that these works would generally be in accordance with the conservation policies of the City Development Plan, in particular policies **BHA 2** and **BHA 7**. The repair and restoration works would help to conserve and enhance the special interest of the

Protected Structures and would positively contribute to the character and special interest of the O'Connell Street ACA and Conservation Area.

2. Demolition – Protected Structures

- 8.7.8. The demolition of the buildings on the west side of O'Connell Street will be carried out by specialist demolition contractors with expertise in demolition works in close proximity to retained historic fabric in accordance with an agreed detailed methodology (AHIA 6.5.2). The building fabric behind the facades of Nos. 43, 44, 45, 52-54, 57, 58 O'Connell Street Upper will be carefully removed, and items of architectural interest will be labelled and stored off site for safe keeping. Demolition will commence with the removal of salvageable materials by hand which will be retained for use in the conservation works elsewhere on the Dublin Central site. The demolition will be carried out by a combination of hand-held tools and mechanical equipment, with works within 3 metres of the facades to be by hand. Detailed methodologies will be agreed with inspections before, during and after the demolition works. This has been addressed in Section 7 of the AHIA.
- 8.7.9. **No. 43 O'Connell Street** – a 4-bay, 5-storey over basement building (1925) built on the site of an 18th century townhouse. The façade is of Portland stone, with decorative, carved stone features, and a stone parapet concealing a flat roof. The shopfront has a polished granite plinth, stone fascia and is flanked by ionic pilasters. It is described (NIAH 50010553) as one of the best-preserved shopfronts on the street. At basement level, there are 18th century lightwells beneath the O'Connell Street footpath and a 20th century mosaic floor at the threshold to the entrance. There is a wrought iron balustrade and granite plinth around the basement lightwells near the entrance. A contemporaneous 2-storey brick mews forms the rear boundary with Moore Lane.
- 8.7.10. The front façade is a Protected Structure (6023), which is also listed as of Regional Importance on the NIAH and has been identified in the AHIA (7.5.1.1) as of architectural significance, as a good example of early 20th century commercial building. The façade will be retained and protected but the buildings behind the façade extending to Moore Lane will be demolished. The basement and ground floors are used as a casino at present and have been extensively modified.

However, the upper floors are reasonably intact with original (1925) stairs, cornices, joinery and chimney pieces present and are occupied as offices.

- 8.7.11. It is proposed to retain the 18th century lightwells and the mosaic floor, each of which will be incorporated into the new building. However, the proposed development will necessitate the removal of all of the buildings behind the façade, which will have a permanent negative effect on the integrity and legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for damage and/or disturbance to the historic fabric. Mitigation is proposed by comprehensively recording the building and its features and by avoiding any potential damage by careful management of the dismantling of the building and of the interface between the retained façade and the new building, as set out in the Outline Construction and Demolition Management Plan.
- 8.7.12. **No. 44 O'Connell Street** – a 3-bay, 4-storey over basement building, constructed on the site of an 18th Century townhouse, with a Portland stone ashlar façade and plain granite parapet. There are decorative stone mouldings including a granite cornice with doric frieze and round medallions between second and third floors and a modillion and Portland stone pilasters on either side of the facade. The shopfront is stated to be original, although much altered, with pink granite and limestone pilasters and a large, moulded timber door. The 18th century basement survives. It is described (NIAH 50010552) as one of three Portland Stone structures built in a row and sharing a similar massing, parapet and cornice height, which forms a good aesthetic and positive example of Irish Art Deco architecture. There is infill development at the rear with a series of staggered lightwells forming courtyards with a connection to No. 45 an adapted mews fronting the lane.
- 8.7.13. The front façade is a Protected Structure (6024), which is also listed as of Regional Importance on the NIAH. It has been identified in the AHIA (7.5.1.2) as of architectural significance, as a good example of an early 20th century commercial building. The façade will be retained and protected but the buildings behind the façade extending to Moore Lane will be demolished. The building is currently vacant but was last used as a Garda Station and has been modified internally. It is in relatively poor condition internally as it has suffered from water ingress and vermin.

- 8.7.14. It is proposed to retain and restore the facade. However, the proposed development will necessitate the removal of all of the buildings behind the façade, which will have a permanent negative effect on the integrity and legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for damage and/or disturbance to the historic fabric. Mitigation is proposed by creating a comprehensive recording of the building and its features and by ensuring that any potential damage is controlled and avoided by careful management of the dismantling of the building and of the interface between the retained façade and the new building as set out in the Outline Construction and Demolition Plan.
- 8.7.15. **Nos. 52-54 O'Connell Street – former Carlton Cinema site** – a terraced, 3-storey, stone-fronted Art Deco cinema built 1934-8. The façade has alternating Portland stone and granite ashlar coursed walls with a centrally placed seven-bay double-height breakfront comprising vertical glazing panels separated by giant order pilasters. The windows are multi-paned with cast iron. There is a projecting modern canopy over the ground floor and the central apron incorporates neon lettering with the name CARLTON. The ground floor entrance is flanked by shops.
- 8.7.16. The upper floor front facade is a Protected Structure (6025) and is on the NIAH Regional list (50010543). The protected structure is described (NIAH) as being a classical Portland stone façade which was designed in accordance with the guidelines for the reconstruction of O'Connell St. The design of the building, influenced by cinema architecture in London, includes a variety of styles on its stripped-down facade featuring art deco motifs and classical references. The art deco interior received much praise at the time but has since been lost. The cinema was significantly modified internally in the 1970s and the main cinema subdivided into three cinemas. The interior of the cinema has been significantly modified and is largely disused. The rear boundary comprises a buff brick elevation with a high concrete wall.
- 8.7.17. It is intended to retain and restore the front façade, including replacement of the modern canopy with a new canopy designed to resemble more accurately the original canopy. However, the proposed development will necessitate the removal of all of the buildings behind the façade, which will have a permanent negative effect on the integrity and legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for damage and/or disturbance

to the historic fabric. Mitigation is proposed by ensuring that any potential damage is controlled and avoided by careful management of the dismantling of the building and of the interface between the retained façade and the new building as set out in the Outline Construction and Demolition Plan.

- 8.7.18. **No. 57 O’Connell Street** – a 3-bay, 4-storey terraced building with shopfront to ground floor (1925). The brick and granite building was erected as part of the O’Connell Street reconstruction and designed in an Art Deco manner. The upper floors comprise red brick walls laid in English garden wall bond. Granite ashlar parapet wall and iron railings conceal flat roof and sliding timber sash windows on upper floors have granite window surrounds. The first floor has an imposing ashlar granite surround across the entire floor with decorative stone features and three large paired and mullioned windows, below which sits a granite architrave and frame. A recent shopfront has been set into the original granite ashlar frame with plinth mouldings and a continuous panel moulding inscribed “A. & R. Thwaites & Co. Ltd.”
- 8.7.19. The front façade is a Protected Structure (6026) and is listed on the NIAH as of Regional importance (50010541). The retention of the granite shopfront surround with the original fascia name together with the elaborate granite details add to the wealth of early 20th century architecture on the street. It was originally occupied as a chemist and wine/spirit merchant with offices above, and subsequently as retail and offices. The ground floor (of 57 and 58) is in retail use and is occupied by Carroll’s gift shop, with storage at basement level and offices above. The 18th century brick vaults beneath the pavement survive as do other features of interest dating from the 1920s such as a top-lit open well staircase, joinery, cornices and chimneypieces. At the rear, an original frontage was modified to create two-wide vehicular openings with the earlier fabric fragmented and limited to framing piers. Allegedly one of the piers may contain the mark of a bullet hole from the 1916 Rising.
- 8.7.20. It is proposed to retain and restore the façade and the brick vaults under the pavement. However, the proposed development will necessitate the removal of all of the buildings behind the façade, which will have a permanent negative effect on the integrity and legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for damage and/or disturbance to the historic fabric. Mitigation is proposed by creating a comprehensive recording of the building and its features and by ensuring that any potential damage is controlled

and avoided by careful management of the dismantling of the building and of the interface between the retained façade and the new building as set out in the Outline Construction and Demolition Plan. In addition, the potential to salvage the pier allegedly bearing the bullet hole will be investigated with a view to displaying it on the overall site or as part of the proposed museum at 14-17 Moore Street.

- 8.7.21. **No. 58 O'Connell Street** – Terraced 3-bay 4-storey commercial building (built c. 1925) over an extensive, but concealed, basement with recent shopfront to ground floor. Flat roof with pitch to front and two copper lined box-dormers behind a red brick parapet wall with granite coping and a deep moulded granite cornice to the base. Walls of machine-made red brick laid in Flemish bond with moulded granite string course below the third floor, recessed brick panels above the 2nd floor and decorative granite panels between first and second floors with rosettes. Granite window surrounds and original timber sliding sash windows remain, with a central feature window to first floor with decorative scrolled console brackets and shield with monogram.
- 8.7.22. The upper floor front façade is a Protected Structure (6027) and is listed on the NIAH as of 'Regional importance' (50010540). Modern tiles have been affixed to the retained stone moulding of the shopfront frame, but the upper floors retain their decorative stone carvings which add to the wealth of 20th century architecture on the street. The ground floor is in retail use (Carroll's) and has been much modified internally. However, the remainder of the building is reasonably intact internally. An extensive brick-arched basement constructed in 1873 extends beneath the length of the entire plot is identified in the AHIA (7.5.1.8). This was used as part of the wine and spirit merchant business. It is stated that the area beneath the pavement on O'Connell St. has been modified and pavement lights supported on steel beams have been installed in place of the original brick vaults. At the rear, remnants of a 19th century shopfront with brick piers, projecting cornice and an inscription J & G CAMPB in stucco are evident. However, the stucco is cracked and fragile and not capable of being salvaged.
- 8.7.23. It is proposed to retain and restore the façade. However, the proposed development will necessitate the removal of all of the buildings behind the façade, which will have a permanent negative effect on the integrity and legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for

damage and/or disturbance to the historic fabric. Mitigation is proposed by creating a comprehensive recording of the building and its features and by ensuring that any potential damage is controlled and avoided by careful management of the dismantling of the building and of the interface between the retained façade and the new building as set out in the Outline Construction and Demolition Plan.

Conclusion Impact of demolition works on Protected Structures

- 8.7.24. Policies **BHA3** and **BHA5** (CDP), respectively, state that there is a presumption against the total or substantial loss of Protected Structures except in exceptional circumstances and against the demolition of Regional Rated Buildings on NIAH unless clear justification is provided (in a written conservation assessment) that the building has no special interest and is not suitable for addition to the RPS. **BHA2** requires that development of a PS will conserve and enhance the PS and its curtilage including ensuring that the historic fabric and special interest of the interior, its plan form, hierarchy of spaces and architectural detail are respected.
- 8.7.25. There is also a presumption against the demolition of a structure in an ACA which positively contributes to the character of the ACA, except in exceptional circumstances, where such a loss would also contribute to a significant public benefit (**BHA 8**). In addition, the conservation guidance in both the Architectural Heritage Protection Guidelines and Chapter 11 of the CDP encourages the retention and adaptive reuse of Protected Structures where possible. **BHA11** seeks the retention of historic buildings, their rehabilitation and re-use and **BHA15** encourages the retention and reinstatement of exemplar 20th Century buildings.
- 8.7.26. In the case of each of the five Protected Structures outlined above, (Nos. 43, 44, 52-54, 57, 58 O'Connell St. Upper), the facades are the only elements that are 'Protected'. As previously noted, the developer proposes to retain and sensitively restore and repair these facades and to carefully dismantle and remove the structures to the rear, with methodologies which are in accordance with best conservation practice and will be subject to appropriate supervision throughout the works. Thus, the protected structures on the RPS would not be demolished, but the buildings which form an integral part of their curtilages and settings will be removed. As such, it is considered that **BHA3** and **BHA5** would not be materially contravened, but the proposed development will need to be assessed against **BHA2** to ensure that

the character and special interests of the Protected Structures, including the setting and curtilage of these structures, are not harmed or adversely affected. This issue will be addressed in detail in later sections of this report, particularly in the assessment of the architectural approach and urban design concept.

- 8.7.27. The structures behind the protected facades have been described as representing good examples of early 20th century architecture, often with fine well-crafted architectural features and are representative of the way of life of that period (1920s-1930s). Having inspected several of these buildings, I can confirm that the interiors have been much modified over the years. Notwithstanding this, their removal will inevitably result in the loss of historic fabric which is integral to the character and setting of each of the protected structures. This will significantly alter the integrity and legibility of these buildings. However, the methodology outlined in the Outline Construction and Demolition Plan and in the AHIA, and as summarised above, clearly indicate that the retention and restoration of the facades and the recording of each building and its features prior to demolition, together with the careful management of the dismantling of the building and of the interface between the retained façade and the new building, will ensure that the potential impacts will be appropriately mitigated.
- 8.7.28. Notwithstanding this, the impacts of the loss of a significant amount of historic fabric is of relevance. Thus, whilst the retention of the facades and the design of 2AB and 2C, with the significant setbacks, would help to conserve the character of the Conservation Area/ACA, the loss of this historic fabric associated with the Protected Facades, which are recognised as exemplary 20th Century buildings, raises the question of compliance with Policies **BHA8**, **BHA11** and **BHA15** of the Dublin City Development Plan 2022-2028. These policies essentially seek the retention and adaptation of such buildings unless there are justifiable grounds for their removal, and in the case of an ACA, should only arise in exceptional circumstances, where such a loss would also contribute to a significant public benefit.
- 8.7.29. It is noted that these buildings had already been scheduled for removal (apart from the facades) under the previous permission for the overall lands (PL29N.232347) which expired in 2022. The suite of documents submitted with the application and appeal, including those relating to the Masterplan and the design concepts for the proposed development, set out clearly the justification for the demolition of the

buildings behind the protected facades, as this forms a critical element of the overall proposal for these lands, which seek to carry out a major regeneration of a significant and strategically located urban block which has been in decline for many years. The justification includes the pressing need for regeneration of this large urban block and the incorporation of the Metrolink station underneath Site 2.

8.7.30. It is acknowledged that the proposed Dublin Central development would have significant socio-economic benefits for the area, would have a transformational effect on the permeability and enlivening of the streets and that this would accord with many other objectives in the Development Plan. A key element of the proposed development of Site 2 is the construction of the Metrolink structural box, which will necessitate the demolition and clearing of the majority of the site apart from the facades. As such, it is considered that the adverse impacts arising from the demolition of the buildings to the rear of the facades would be outweighed by the wider public benefits to the area and to the city as a whole by the regeneration of the lands and the facilitation of the provision of the metro station.

8.7.31. It is considered, therefore, that a case for exceptional circumstances, with a significant public benefit, has been made in this instance, which is reasonable and that the proposed development involving the demolition of structures to the rear of the Protected facades would not therefore materially contravene Policies **BHA8**, **BHA11** or **BH15** of the Dublin City Development Plan 2022-2028.

3. Demolition - Non-Protected Structures

8.7.32. **No.45 O'Connell Street** – a 3 bay, 4-storey building (1929) of granite and Portland stone built on the plot of an 18th Century townhouse. Ashlar limestone walls with moulded granite stringcourse above third floor and stepped cornice with modillions between second and third floors. There is channelled granite at ground floor level which is described (NIAH) as being reminiscent of its previous forms. At basement level the 18th Century lightwells beneath the pavement survive. The infill development at the rear, with a series of staggered lightwells forming courtyards, is connected to No. 44.

8.7.33. This structure is not protected but forms part of the terrace comprising several Protected Structures. It is also on the **NIAH Regional importance list (50010551)** where it is described as contributing to a simple but well-executed 20th century

aspect. It also shares a cornice and parapet height with the two granite buildings to the north. The interior is described (AHIA 7.5.1.3) as having an apparent 1920s character in terms of the layout, joinery and plasterwork which are all of exceptional quality, and a centrally positioned open well staircase. The building is currently vacant, and the interiors have suffered from water ingress and damage from birds. There are internal (retrospectively added) connections with No. 44.

- 8.7.34. It is proposed to retain and restore the façade, but it will be necessary to remove all of the buildings behind the façade, which is likely to affect the legibility of the building. In addition, the process of demolition and construction of the new building poses the potential for damage and/or disturbance to the historic fabric. Mitigation is proposed by ensuring that any potential damage is controlled and avoided by careful management of the dismantling of the building and of the interface between the retained façade and the new building as set out in the Outline Construction and Demolition Plan.
- 8.7.35. Policy **BHA 5** (CDP) states that there is a presumption against the demolition of Regional Rated Buildings on NIAH unless clear justification is provided (in a written conservation assessment) that the building has no special interest and is not suitable for addition to the RPS. There is also a presumption against the demolition of a structure in an ACA which positively contributes to the character of the ACA, except in exceptional circumstances, where such a loss would also contribute to a significant public benefit (**BHA 8**). In addition, No. 45 forms part of terrace where the three properties immediately to the north are Protected Structures, (facades only in case of Nos. 43 and 44, but entire structure in case of No. 42). As such, the potential impacts on the setting and fabric of these buildings arising from the proposed demolition of the structures behind the façade of No. 45 is of relevance.
- 8.7.36. In this instance, the façade of No. 45 is to be retained and carefully restored, which will maintain and improve the contribution of the building to the ACA. No. 45 has been listed on the NIAH since 2011 and has not been entered onto the RPS through successive Development Plans. Thus, whilst there will be a loss of historic fabric and the integrity and legibility of the building will be impaired, the demolition is considered necessary to facilitate the wider regeneration of this area which has been in a state of decline for many years and the construction of the metro station box. It is considered, therefore, that the demolition of the structure behind the facade is

justified as it would have significant public benefits and would not adversely affect the character of the adjoining Protected Structures or of the O'Connell Street Architectural Conservation Area. It would not therefore materially contravene policies **BHA5** or **BHA8** of the Dublin City Development Plan 2022-2028.

Nos. 46-49 and 55-56 O'Connell Street Upper

- 8.7.37. These two buildings will be demolished in their entirety, extending back to the Moore Lane frontage. New infill structures will be introduced into the streetscape on the site of Nos. 55-56 O'Connell Street and on the site of 46-49 O'Connell Street, respectively.
- 8.7.38. **Nos. 46-49 O'Connell Street Upper** - is a 1970's office block which extends to the rear as far as Moore Lane, with Moore Lane Car Park occupying much of the rear section of the site, forming a T-shaped structure. It was constructed on the amalgamated site of four plots. The scale of the building is respectful of the established parapet heights to the front and the treatment of the front façade harmonises with the rhythm of the streetscape. The T-shaped structure at the rear is excessively tall and incongruous when viewed from Moore Lane and O'Rahilly Parade. The office block and car park are of no architectural or historical interest. I would agree that the buildings on the site do not make a positive contribution to the character of the O'Connell Street ACA. As such, their removal is considered to be acceptable in principle, subject to their replacement with appropriately designed and scaled structures that would protect the character and special interest of the ACA. The demolition of this structure, which is within an ACA would not, therefore, materially contravene policy **BHA8** of the Dublin City Development Plan 2022-2028.
- 8.7.39. **Nos. 55-56 O'Connell Street Upper – Former Monument Bakery and Café.** The façade (only) is listed on the **NIAH (50010542)**, but it is not listed on the RPS. It is described as a terraced, five-bay four-storey commercial building with attic (built circa 1924), now used as an amusement arcade (Dr. Quirkey's), with a recent shop front provided at ground floor level. The upper façade is comprised of machine-made red brick, laid in English garden wall bond with a Portland stone cornice at first floor and string course at third floor levels and stone window surrounds. The original steel windows have been retained. It was built to replace earlier structures damaged in the

1916 Rising. The Monument Bakery opened in 1931 followed by the Café in 1932 but closed in 1966.

- 8.7.40. It is noted from the AHIA (7.5.1.6) that the composition of the façade was assessed as “less successful than its counterparts in that the combination of both traditional and modern design is less successfully executed as demonstrated in the pastiche application of decorative mouldings to the window aprons”. It was concluded that the building is not of comparable quality to warrant protection, and despite being on the NIAH Regional listing for a long period of time, has not been added to successive Development Plans over the years. Justification for its removal is given as its requirement to facilitate the proposed development, which is an ambitious regeneration scheme and that it will be replaced with a building of similar parapet height, which it is stated will sit unobtrusively in the streetscape and will introduce active uses at street level.
- 8.7.41. I note that the Conservation Officer had initially raised some concern regarding the demolition of this structure, given its historical interest being part of the approved early 20th Century architectural scheme for the reconstruction of O’Connell Street. However, it was accepted that the façade is not of comparable quality to those elsewhere along the terrace and that it failed to meet the standard of architectural interest to warrant long term protection.
- 8.7.42. I would concur with these views. I would accept that the existing buildings on these two plots visually harmonise with the streetscape due to their design, scale, height and use of materials. However, they are not integral to the character of the streetscape and their loss must be seen in the context of the wider regeneration scheme which will provide for significant public benefit to this area. The demolition and replacement of these structures is necessary to facilitate the delivery of a large-scale regeneration scheme which will help to achieve a range of CDP policy objectives for the rejuvenation of this under-utilised strategic site. As such, their removal is considered to be acceptable in principle, subject to their replacement with appropriately designed and scaled structures that would protect the character and special interest of the ACA. The demolition of this building would not therefore materially contravene policies **BHA5** or **BHA8** of the Dublin City Development Plan 2022-2028.

Buildings to Rear of Nos. 59 and 60 O'Connell Street Upper

- 8.7.43. **No. 59 O'Connell Street Upper** (main building and rear return) falls outside of the application site, but the lands and buildings to the rear are included within the site boundary. These consist of the former Reading Room, the Regency Annex and a former carport, all of which were associated with the former Sackville Street Club. The AHIA states that the main building (No. 59) had formed part of the originally permitted development and was due for demolition, but subsequently was found to be of significance which had warranted its retention, and as such, the proposed MEW was redesigned to exclude it from the site.
- 8.7.44. **Reading Room (Rear No. 59)** – the former Reading Room is not protected nor is it listed on the NIAH. However, it is an interesting building which predates the 1920s reconstruction. It comprises former kitchens at basement level with a 'Reading Room' above, which comprises a top-lit reception space with a modillion cornice, a large rooflight and a central sunken oval soffit. It is stated (AHIA 7.9.1) that the exterior form of the Reading Room was not the primary consideration in its design, given its sandwiching between flanking garden walls shared with Nos. 58 and 60 O'Connell St., respectively. It is further noted that its origins were likely to be as a coach house coupled with staff kitchens, which evolved to include a myriad of increasingly grander functions over the course of the varied occupancy of No. 59, as reflected in its possibly 19th Century multi-pitched roof form with three brick chimneys. It is enclosed to the east by another top-lit building, and to the west by a car port onto Moore Lane. It is proposed to retain, refurbish and provide for a new adaptive use for this building as a café/restaurant, which will sit within a re-imagined public realm, and will not therefore be demolished. This will be discussed in more detail later.
- 8.7.45. **Regency Annex (Rear No. 59)** – this 19th century, two-storey hipped roof annex is perpendicularly attached to the extended rear return of No. 59. It is not protected nor listed on the NIAH. The upper floor and part of the roof are visible from Henry Place. The AHIA (7.5.1.9) describes the structure as having previously been altered both externally and internally. It is stated that a previous lantern-roofed building attached to the Western elevation was removed and a chimney stack is truncated to eaves level. There are two windows on the east elevation facing the main building with plaster hooded mouldings. The interior is stated to retain little of interest as most of

the original fixtures and fittings have been stripped out with the consequential loss of original character, and as such it is submitted that the structure is of little architectural interest.

8.7.46. It is proposed to demolish the annex to facilitate the development. I would agree that its removal would not diminish the character of the main house at No. 59 O'Connell Street, nor would it detract unduly from the character of the ACA. However, as the structure is attached to the former Reading Room, its removal will require care in order to avoid any damage to the retained structure. It would not therefore materially contravene policy **BHA8** of the Dublin City Development Plan 2022-2028.

8.7.47. **Carport (Rear No. 59)** – this structure is located to the west of the Reading Room. It is stated to be an Edwardian structure and forms the boundary with Moore Lane to the rear of the Reading Room. It is not protected and is utilitarian in nature. It is proposed to remove the building to facilitate the proposed development. I would agree that its removal would not diminish the character of the main house at No. 59 O'Connell Street, nor would it detract unduly from the character of the ACA. However, as the structure is attached to the former Reading Room, its removal will require care in order to avoid any damage to the retained structure. It would not therefore materially contravene policy **BHA8** of the Dublin City Development Plan 2022-2028.

8.7.48. **60A O'Connell Street (Rear No. 60)** – this structure is described in the AHIA (7.5.1.10) as a modest and much-modified 18th Century structure which probably served as one of three stables or coach houses pertaining to the main houses on O'Connell Street. It is a calp limestone detached building with a flat roof which occupies the corner location at the junction of Moore Lane and Henry Place. Although much modified, the AHIA states that this corner-sited building effectively upholds the alignment of the historic street corner and is significant with respect to the 1916 battlefield. However, it is proposed to demolish the building to facilitate access for maintenance and fire emergency vehicles around the narrow junction at Henry Place/Moore Lane.

8.7.49. It is acknowledged in the AHIA that its removal will diminish the legibility of the historic building line and alter the character of what is presently a relatively enclosed space, with the impact mitigated to an extent by proposed landscaping measures. It

is stated that the public realm strategy is committed to preserving the legibility of the historic streetscape, which will be achieved by reinstating the historic street surfaces in the original location. In addition, new streets and open public spaces will be finished in complementary but clearly distinguishable materials. Mitigation measures will be employed to ensure that prior to the removal of 60A, full recording will be undertaken and that no damage occurs where it abuts the retained Reading Room.

8.7.50. The removal of the annex, the carport and No. 60A together with the refurbishment and repurposing of the Reading Room, which will be set within a reinvigorated public realm with active frontages and public spaces, together with the incorporation of an emergency exit from the future metro station, is considered to be acceptable in principle given the wider context of the redevelopment of the area. Moore Lane and Henry Place are currently underutilized and relatively unsafe public lanes with predominantly dead frontages and service facilities. The proposed development would enable these lanes to become safe, lively and animated streets, which would significantly improve the permeability and accessibility of the area. The appropriateness of the detailed landscaping proposals for this area will be discussed further in the following sections of this report. However, it is considered that the demolition of this building would not materially contravene policy **BHA8** of the Dublin City Development Plan 2022-2028.

4. Impact of Demolition on adjoining PS and the ACA

8.7.51. Impacts arising from demolition on individual Protected Structures outside of Site 2 are also of relevance. The potential impacts on these Protected Structures include physical impacts in respect of those in closest proximity to them and visual impacts on the setting of the Protected Structures and on the character of the streetscape within which they are present.

8.7.52. At the northern end of the site, Protected Structures adjoining No. 43 O'Connell Street Upper include **No. 42 O'Connell Street Upper** and **O'Connell Hall** to the rear, which are both protected in their entirety. The site immediately to the north of No. 42 consists of a demolished building with the formerly internal side wall of No. 42 propped up and exposed to the elements. At the northern boundary of the vacant site lies another Protected Structure, **No.37-38 O'Connell Street Upper**, which is

the former AIB bank building on the corner with Parnell Street, whose internal side wall is also propped up.

8.7.53. At the southern end of the site, No. 59 O'Connell St Upper (Dublin Bus building) immediately adjoins the southernmost PS (No. 58), and immediately to the south of this building lies a row of 7 no. Protected Structures, Nos. 60, 61 (front façade only), 62, 63-64, 65-66, 67 and 68-69 O'Connell St Upper, respectively. In addition, to the west, the National Monument is located on Moore Street (Nos. 14-17), the rear of which fronts onto Moore Lane. The network of laneways to the rear of O'Connell Street and north of Henry Street are also of historic significance due to their association with the battlefield of the 1916 Rising.

8.7.54. In terms of physical impacts, the processes of demolition, followed by deep excavations and subsequent construction, have the potential to result in significant disturbance to the historic fabric of the retained buildings which adjoin Site 2, particularly No. 42 O'Connell Street. The submitted documentation (including the AHIA, Conservation Management Plan and Outline Construction and Demolition Plan), as well as the detailed demolition drawings, demonstrate that every effort has been made by the developer to anticipate the worst-case scenario impacts, including acceptable levels of vibration, with appropriate mitigation measures to counteract same. Table 5 of the Outline Construction and Demolition Plan – Site 2 provides details of how this would be achieved. Ground movements will be monitored throughout the demolition and construction processes, including regular visits by a Grade 1 Conservation Architect, (7.5 AHIA- Site 2). An exclusion zone will also be erected around the National Monument.

8.7.55. In addition to potential impacts and mitigation measures in respect of the individual buildings (both Protected and non-Protected Structures), identified in the preceding paragraphs, it is necessary to consider the impacts of the substantial scale and extent of demolition on the streetscape of the city's premier street, which contains a large number of Protected Structures and forms an integral part of the O'Connell Street ACA and on the rear lanes and the National Monument. Inevitably, the loss of such a large proportion of extant buildings, simultaneously, is likely to have quite a substantial impact on the visual amenity of the streetscape and of the setting of the retained and remaining protected buildings. The use of structural supports and restraints and hoardings will be mitigated by appropriate use of murals and colours.

- 8.7.56. It is considered, therefore, that there would be a significant, but relatively short-term, impact on the character and special interest of the ACA and of the Protected Structures within the streetscape. However, the impacts would be short-term (duration of construction) and would be necessitated by the requirement to provide the metro station box and the regeneration of this strategically located site, which has been lying largely vacant and underused for many years. Given the scale of the project, it is considered that it will be necessary to ensure that there will be no undue delays between demolition and reconstruction to minimise these impacts.
- 8.7.57. As discussed in the preceding paragraphs above, justification has been provided for the demolition of a large number of buildings and associated loss of historic fabric, which is considered to involve exceptional circumstances which will result in significant public benefit to the area and to the city.

Conclusion on impacts of demolition

- 8.7.58. The Dublin Central development is an ambitious large-scale urban regeneration project, of which Site 2 represents a significant portion, and which will necessitate the demolition of a substantial built area in order to facilitate the development of these vacant and under-utilised lands at a strategic location in the heart of the city centre. The extent of demolition within Site 2 is quite substantial and would ordinarily be considered quite exceptional given its location on this premier street, with its sensitive historical and architectural background, the significant number of Protected Structures and its siting within an important Architectural Conservation Area.
- 8.7.59. However, the justification for the extent of demolition is essentially two-fold, firstly to enable the construction of large-scale buildings which would attract a sufficient level of investment into the area to provide the transformational opportunity to rejuvenate the area and secondly, to facilitate the construction of a very large subterranean structural box which would accommodate the O'Connell Street Metrolink station in due course. Although the Development Plan policies are strongly in favour of conservation and enhancement of the city's built heritage, there are other groupings of policies which strongly promote the city's role as the national driver of economic growth and premier shopping area, the promotion and facilitation of the transformation of regeneration areas and the development of a network of safe, clean and attractive streets.

8.7.60. It is further noted that the previously permitted scheme was for a largely enclosed shopping centre which would have involved the same or greater extent of demolition. The current proposal, in contrast, seeks to retain and reinvigorate the historic lanes and back streets, thereby preserving the fine urban grain of the area and the proposed retention and restoration of the protected facades fronting O'Connell Street, helps to maintain the overall architectural form and scale of the streetscape. In addition, the mitigation involving detailed recording of structures prior to demolition and the methodologies for demolition based on best conservation practice will minimise the adverse impacts on the character and special interest of both the protected structures and the ACA.

Conclusions on Justification of Extent of Demolition

8.7.61. **In conclusion**, having regard to all of these factors, it is considered that the extent of demolition on Site 2 is acceptable in terms of facilitating both the O'Connell Street Metrolink station and the redevelopment of the Dublin Central site which strives to strike a balance between the retention of historic fabric and the delivery of an ambitious scheme for the regeneration of the area which is a core objective of the City Development Plan. The extent of demolition in the case of the proposed development would, therefore, be generally in accordance with the policies and objectives of the Dublin City Development Plan 2022-2028.

8.8. Impacts of Excavation

8.8.1. The proposed development includes the construction of two subterranean structures. Firstly, it is proposed to construct a single-storey basement to a depth of c.5m beneath the footprint of Site 2 to facilitate the Dublin Central Development. This will involve the installation of secant pile walls around the majority of the perimeter of the site with a series of bearing piles across the site. This basement would accommodate car parking (accessed from Moore Lane) as well as plant.

8.8.2. Secondly, it is proposed to construct the 'structural box' within which the O'Connell Street Metrolink Station would eventually be accommodated. This structure would occupy part of the footprint underneath Sites 2AB and 2C but would be designed to be structurally independent of the Site 2 basement. The dimensions of the structural box are stated as being c.25-30m deep, 120m in length and 27m in width, which

stretches beneath Nos. 43-58 O'Connell Street Upper, inclusive. This would be achieved by constructing deep diaphragm retaining walls, with a base slab and a top slab, which would sit beneath the single-storey basement. In addition to the structural envelope, the developer intends to incorporate co-ordinated voids to accommodate station entrances and exits, ventilation and fire escape shafts.

8.8.3. The potential impacts of excavation and basement construction are set out in the City Council's **Basement Development Guidance** (Appendix 9, CDP 2022). The potential impacts can be grouped into the following categories

- **Ground and building stability** – impacts of ground movement and vibration can affect the stability and integrity of buildings above and nearby which can impact cultural heritage (built and archaeological heritage).
- **Impacts on archaeology** – must demonstrate no adverse impacts on sites of archaeological interest.
- **Interference with services** – disruption and/or relocation of utilities such as drainage pipes, trunk mains, electricity cables and tram services.
- **Drainage** – interference with groundwater flow, surface water flow and increased flood risk as well as potential impacts of dewatering on land stability.
- **Amenities of area** – noise, vibration, dust from piling etc.

8.8.4. These matters have been addressed in various documents submitted with the application/appeal. I would refer the Board to the following documents: -

- Dublin Central Site 2: Basement Impact Assessment [DC-WAT-2X-XX-RP-C-002017] (Sept. 2022, as amended July 2023)
- Dublin Central Outline Construction & Demolition Management Plan – Site 2 [DC-WAT-2X-XX-RP-C-001012] (May 2023)
- Dublin Central Masterplan Response to Site 2 Further Information Request – Item 1 (Programme) (June 2023).
- Metrolink O'Connell Street Options Assessment Briefing Note (Aug. 2022)
- Architectural Heritage Impact Assessment Dublin Central Masterplan Area Sites 2AB and 2C (Molloy & Associates, Sept. 2022, as amended July 2023)

- 8.8.5. Concerns were raised by third parties regarding the justification and need for the MEW at this location, and what alternative locations were considered for the O'Connell Street Station. This matter is the subject of a current application for a Railway Order (314724) for Metrolink. However, the Site 2 application included a briefing note on this issue, the main points of which can be summarised as follows:

Metrolink Options – Selection of Dublin Central Site 2

- 8.8.6. The route selection process for Metrolink came to the same conclusions as for Metro North, that O'Connell Street is a key location for a station. This emerged following a multi-criteria analysis based on criteria such as economy, integration with other transport services and with land use, accessibility and environment (including cultural heritage and landscape/visual impact).
- 8.8.7. Initially, the location for the O'Connell Street station was based on the median strip in the centre of the carriageway. However, there was a long list of constraints associated with this option, for both construction and operation stages. These included the need to relocate the Luas station/track and a complete shutdown of the Luas Cross City services north of O'Connell Street for c.6 years, severe traffic disruption, as well as safety concerns with large volumes of people exiting the station onto the median strip in the centre of a highly trafficked principal route. In addition, this option would have had significant multiple cultural heritage impacts (both visually and vibration related) on a wide range of constraints including the Charles Stewart Parnell Monument, the Rotunda Hospital and several Protected Structures in the vicinity, which would have been permanent impacts.
- 8.8.8. Furthermore, the façade-façade construction zone would have had severe implications for re-routing of or interference with significant utilities such as the trunk main, Luas cables (both underground and OCS) which are located on the western side of the median strip. The wide construction zone would also have had serious impacts on the sub-surface archaeology and the Historic Town designation due to the need to divert/remove Luas infrastructure. The technical requirements of a Metro Station also influenced the decision in terms of matters such as track alignment issues, platform size, station entrances, fire escapes etc.
- 8.8.9. In order to overcome these constraints, two further options were considered. Option 2 proposed a station within the footprint (underneath) Site 2 (Dublin Central) and

Option 3 involved a hybrid version of the other options, which would have involved location partly within Site 2 and partly under the footpath. However, further disadvantages were associated with Option 3 such as the need to realign the building line along O'Connell Street, as well as the relocation of the underground services and the installation of significant on-street infrastructure on the median strip and pavement. The realignment of the O'Connell Street building line would have had very significant and permanent impacts on the Protected Structures which are proposed to be retained in the current application and on the character and special interest of the O'Connell Street ACA.

- 8.8.10. Significant advantages were associated with Option 2 at construction stage, with less intrusive impacts regarding placement of hoardings and construction compounds and by the spatial synergies achieved from combining both projects. In terms of cultural heritage, the facades on O'Connell Street would be retained including the rhythm of the 18th century property divisions, but potential vibration and settlement impacts would have to be monitored carefully and mitigated accordingly. This option also met all of the key criteria for the design of the station and track alignment, whilst minimising the impacts on cultural heritage. Furthermore, it was recognised that the Dublin Central masterplan area had the benefit of a (then) extant planning permission which had included extensive demolition across the site.
- 8.8.11. Option 2 emerged following a rigorous analysis as the favoured option, as the combination of both projects within the same footprint would result in a significant reduction in the cumulative impacts on architectural heritage and the functioning of O'Connell Street as a key City Centre thoroughfare and busy transport corridor. However, it was acknowledged that a critical element would be to ensure that both schemes could be delivered without impacting on the ability to construct or operate the other. For this reason, the MEW was included in the application for Site 2, as it would have to be constructed in advance of the main building works for Dublin Central Development - Site 2, but on the understanding that works would not commence until a Railway Order was in place. The sequencing of development will be discussed further below.

Basement Impact Assessment

- 8.8.12. A **Basement Impact Assessment** was submitted by the applicant which, in conjunction with other documents (such as the AHIA, Conservation Management Strategy, the Outline Construction and Demolition Management Plan – Site 2 and the Subterranean Construction Method Statement), considered the impacts of the proposed excavations associated with the Site 2 basement and the MEW. The report provides a comprehensive assessment of potential impacts in accordance with the requirements of the City Council's – Basement Development Guidance (Appendix 9 of the CDP 2022).
- 8.8.13. The OCDMP for Site 2 (May 2023) describes the sequence of construction works (2.3 and 3.1) as initially involving the provision of protective works to the retained buildings and facades, including façade supports, underpinning of structures and an exclusion zone around the National Monument on Moore Street. This would be followed by complete demolition and clearing of the site (apart from the facades to be retained) to grade level. The Diaphragm walls for the MEW would then be installed followed by the secant pile and bearing pile walls for Site 2. The deep excavation of the ground for the MEW would then take place within the diaphragm walls including the use of dewatering systems and temporary props, as required, as excavation progresses.
- 8.8.14. The MEW construction is described as a 'bottom-up' approach where excavation is advanced down to the lowest level with the structure being constructed upwards from this bottom level. Once bottomed out, the new lowest level slab is cast, and work proceeds upward finishing with a top slab. This approach is said to be similar to the construction methodology for the deep stations of the Metrolink project.
- 8.8.15. The design of the subterranean works has been the subject of close co-operation between the design expert teams of each project, and there is a Memorandum of Understanding in place between the two developers. The Subterranean Construction Method Statement (2022), submitted with the application, sets out the engineering approach to the construction of the basements and the likely effects on land stability, groundwater and surface water flow and other matters.

Impact of ground movement on Cultural Heritage and building stability

- 8.8.16. It should be noted that the P.A.'s 'Basement Design Guidance' states that the construction of basements in close proximity to protected structures is not generally supported, but where it is proposed, the developer must guard against adverse ground movements and/or instability to prevent adverse impacts on the structural stability of such buildings with appropriate mitigation measures and monitoring during construction works. This issue is addressed primarily in the Basement Impact Assessment (as revised, July 2023), as discussed below.
- 8.8.17. The AHIA (7.6) acknowledges that the proposed site excavations will necessitate the loss of early 20th century buildings, which is described as 'regrettable, given the integrity of each connected terraced building as an exemplar of its era of construction...' but is considered to be justified on the basis of the public benefit provided by the proposed regeneration scheme. The existing basements, where they still exist, will be filled to provide a level piling platform (mat) and working surface, from which the proposed reinforcement concrete frame and foundations can be constructed. It is also noted that the proposed retaining walls will avoid surcharging of the existing basements and that appropriate mitigation measures will be put in place to ensure that vibration and disturbance risks will be minimised. Reference is made to the OCDMP (Site 2) for details of same.
- 8.8.18. Section 6 (OCDMP site 2) states that where structures are to be retained and conserved, intrusive structural investigations will be carried out prior to demolition to provide a greater understanding of the existing condition and arrangement of each structure and of adjoining buildings of historical significance. This will include visual structural inspection, sampling and testing of the structural fabric. The proposed protection measures for the National Monument and for each of the retained facades is set out in 6.2 and 6.3, and for the adjoining structures in 6.4, in order to protect the facades/structures and to limit ground movement. This includes secant piled walls at the boundaries as part of the strategy for enabling deeper excavation to form the MEW box and at the same time, providing structural support for the buildings above.
- 8.8.19. These proposals have been based on the preliminary analysis of ground movement presented in the **Basement Impact Assessment (BIA)** and on a **Damage Impact Assessment** (in accordance with CIRIA Report C760). The ground movement

analysis considered each stage of the development including demolition, piling, bulk excavation, and construction of each site of the development. The analysis concluded that the predicted damage due to ground movement to historic structures within and in the vicinity of the site would fall within the categories of '0 - no damage' or '1 – very slight'. It was concluded that the predicted ground movement would be within acceptable limits for historic buildings (Categories 1-2).

8.8.20. The structures considered in the BIA included 42 O'Connell St. and O'Connell Hall, 59 O'Connell Street, the Reading Room and the National Monument at Nos. 14 to 17 Moore St. It is noted that the retained facades within Site 2 were not assessed as they are extremely close to the main excavation. Thus, there is an accepted risk of ground movement to these structures, but the risk to the National Monument would have been much greater with alternative options for the location of the metro station further to the west. It is also stated that these structures will be continuously monitored for movement against baseline readings and 'trigger-level criteria' that will be established and agreed with the construction team.

8.8.21. As the construction contract(s) will be awarded on a 'design and build' basis, the detailed design and construction methodology would not be undertaken until these contracts are awarded. The submitted documentation makes it clear that the final design of the temporary propping works and of the retaining structures will be provided in the contractor's method statements and programme of works. In addition, there will be further ground movement and phasing analysis undertaken in the subsequent design stages, as the methodologies for each stage are progressed. Furthermore, it is stated that ground movements will be monitored continuously throughout the demolition, excavation and construction works to ensure that no significant damage is caused to the structural fabric of the retained buildings and structures, and they will be sensitively repaired as works progress.

8.8.22. **Archaeology** - In order to ensure that no adverse impacts arise in respect of any sub-surface archaeology that may be present, archaeological test excavation will be undertaken, which will be conducted during the post demolition phase. The site will be split into two areas (north and south) to allow the archaeological assessment to be carried out. The testing will establish the nature and level of disturbance across the site and appropriate mitigation measures will be agreed. If archaeological excavation is required, it is stated that it will be carried out in accordance with the

agreed mitigation measures and best practice and in consultation with the appropriate authorities.

8.8.23. **In conclusion** regarding cultural heritage impacts from excavation, having regard to the information submitted, it is considered that adequate measures have, and will be, taken to guard against any adverse impacts on the historic buildings within and near the site. The damage impact assessment predicts result within acceptable limits. An exclusion zone will be provided around the National Monument. Ground movement will be monitored continuously throughout the construction, demolition and excavation works. The approach described in the submitted documents seems reasonable and appears to be generally consistent with the approach normally taken to large construction projects such as this one.

8.8.24. I note that the P.A. attached Condition No. 10 which requires, inter alia, the submission of a Revised Basement Impact Assessment and Damage Impact Assessment, which would provide for additional details and monitoring of ground movement during demolition, excavation and construction. However, it is considered on the basis of the above assessment (8.817-21), that the requirements set out in P.A. Cond. 10 (a)(i) and (ii) are not relevant, as these matters have been addressed in the submitted documentation. However, it is considered that should the Board be minded to grant permission, a condition requiring continuous monitoring of ground movement throughout the demolition, excavation and construction works be carried out to ensure that no significant damage is caused to the structural fabric of the retained buildings and structures within and adjoining the site.

Impact on services – LUAS and Sewer infrastructure

8.8.25. The Luas operates in the central reservation on O'Connell Street. The sewers in the vicinity include brick and vitreous clay sewers in Moore Lane and O'Rahilly Parade.

8.8.26. **Luas** - The submitted BIA (July 2023) considered the predicted ground movements in the context of impacts on the LUAS infrastructure and on the operation of the LUAS. The predicted results for the Luas light rail tracks do not show any onerous conditions for the assets and the calculated movements are below the limits proposed by the TII document - Code of Engineering Practice for Works on, near, or adjacent to the Luas light rail system. It was, therefore, concluded that the proposed Site 2 works do not highlight any concern which would affect the day-to-day

operations of the Luas and that the risks of impact on the lower system are considered to be low.

- 8.8.27. **Sewers** - the results of the analysis found that the impact on the sewers in Moore Lane and O'Rahilly Parade would be generally within industry guidance levels, with the exception of one small length of sewer in O'Rahilly Parade. It was stated that this may require investigation to inspect the sewer and further consideration during the detailed design stage. However, the analysis undertaken at this stage had indicated that the predicted impact is likely to be only a minor overstress, which it was considered should not present a major difficulty. The main contractor would be reviewing the methodology and presenting further assessment in due course. As such, the sewers in the vicinity would be subject to movement and strains which would generally be within allowable criteria, apart from Sewer 5 (as outlined above).

Drainage Impacts – ground water and surface water flows

- 8.8.28. **Groundwater** – the potential impacts on groundwater conditions, GW quality and GW flows are assessed in the BIA and in the Site-Specific Flood Risk Assessment, submitted as FI (July 2023). A groundwater seepage study was carried out using the commercial software Plaxis 2d, simulating the plane flow conditions, with and without the proposed station box (acting as a groundwater barrier). A summary of the analysis undertaken is presented in Section 6 of the BIA.
- 8.8.29. The analysis predicted that the deep box permanent structure would form a cut-off for the superficial groundwater flow and is also likely to cause groundwater head variations in the surrounding zone of up to 0.05m. It was concluded that this would indicate negligible impact of the proposed station box construction on the groundwater conditions in the area. However, it is stated that the findings of this assessment will be used to tailor the dewatering and recharge strategy in the preparation of a detailed dewatering method statement. The ground assessment will also inform the likely impacts on groundwater levels due to flow path interference and any further mitigation required.
- 8.8.30. It is stated that temporary dewatering will be required, with a number of wells installed along the box perimeter, with the extracted water pumped back into deep aquifer. This will maintain a groundwater table to a level of 1-2m below the box formation level. Pumping will be required for both dewatering and recharging and

due to the relatively significant volumes of water, some form of grouting below the base of the excavation will be used to form a “plug”. The main contractor will be required to manage the flow of water and to submit details of the dewatering program.

- 8.8.31. The diaphragm walls of the station box will be designed to minimise groundwater movement into the area to be excavated. However, the BIA states that there is still potential for groundwater to enter the excavation by passing beneath the diaphragm walls or by percolating up from the base of the excavation. Hence, during construction of the diaphragm walls, or as the excavation to full depth is undertaken, pressure grouting of the soils and rock will be required. It is proposed to install a ‘granular blanket’ surrounding the basement structure, which it is stated will allow groundwater to seep around the basement, which will minimize the effect of the basement on the water table.
- 8.8.32. The FRA concluded that the likelihood of groundwater flooding was low given that the GW vulnerability is low and that the modelling indicated that the impact on the GW conditions would be low. In addition, the FFLs are set above the road levels, and the basements will be waterproofed. Thus, the residual risk from GW flooding is low.
- 8.8.33. **Surface water** – The existing drainage network is described in the submitted documents as comprising combined sewers that convey surface water and wastewater. Surface and foul water currently discharges uncontrolled and unattenuated to the combined sewer network. It is proposed to provide two new 225mm connections to the existing public network, one for Site 2AB and another for Site 2C. According to the Flood Risk Assessment carried out by Waterman Moylan (2021), there is a low to extremely low risk of flooding affecting both sites from tidal, fluvial and groundwater sources. The site lies within a Flood Zone C for fluvial and coastal flooding (i.e. where the probability of flooding from rivers is less than 0.1% or 1 and 1000).
- 8.8.34. The FRA, however, identifies a risk to the proposed development area due to surcharging of the existing drainage network, but following mitigation, the residual risk is considered to be low. The mitigation includes adequate sizing of the surface-water network on site, the SUDs devices and by controlling run-off and attenuating storm water. The risk of flooding from the surrounding area (overland and drainage

systems) would also be reduced by setting the FFLs of buildings above road levels and fitting non-return valves into the public sewers. The proposed development will also result in a reduction in discharge of storm water from the site, (which is currently 100% hard surfaced), and improved management of drainage. The residual risk of surface water flooding is low.

- 8.8.35. It is noted that Condition 10 of the P.A, decision requires the submission of additional details regarding groundwater and surface water as the detailed construction design is advanced including the need for certain arrangements to be put in place to minimise the risk of basement flooding and monitoring of groundwater levels before, during and after construction. Should the Board be minded to grant permission, a condition addressing such issues would be required.

Amenity

- 8.8.36. The extent and depth of excavation at this location poses particular challenges, given the sensitivity of the site in terms of the historic environment, the need to maintain the civic, retail and recreational functionality of O'Connell Street as well as its important transport role. The scale of excavation needed to construct the station box, and the associated scale and extent of demolition, is likely to result in a considerable level of disruption and loss of amenity during the construction phase. However, the developer has submitted an Outline Construction and Demolition Management Plan which sets out measures designed to minimise the level of disruption and loss of amenity. This includes dressing the site with a scaffold wrap that may include images of the oversite buildings.
- 8.8.37. In addition, the construction methodology has been designed to reduce the level of injury to the amenities of the area. The OCDMP - Site 2 states that the proposed method of excavation is designed to minimise the volume of excavation required to form the basement level. It is envisaged that this would be achieved by providing secant piled retaining walls around the perimeter and close to the site boundaries, as well as deep diaphragm retaining walls and a bottom-up construction, whereby the excavation is advanced down to the lowest level and works are undertaken within these walls to minimise the external impacts. This method of construction facilitates deep excavation and provision of foundation supports in a tight urban environment with minimal impact on adjoining structures and reduced noise and vibration impacts.

8.8.38. As noted previously, the location of the proposed Metrolink station within the same footprint as Site 2 facilitates the achievement of a significant reduction in the potential for disruptive elements of the construction phase. These include the location of hoardings and construction compounds, minimal disruption to the operation of the Luas and traffic flow etc. However, the phasing plan for the demolition, excavation and construction of the new buildings is a critical element in the management of the construction process, particularly in order to avoid the presence of a substantial vacant/construction site at this sensitive city centre location over many years. The issues relating to the sequencing and phasing of the development, the proposed duration of permission and the construction impacts, and proposed mitigation measures will be addressed in more detail below.

Sequencing of development

8.8.39. The question has been posed by the third-party participants that should the **Metrolink project be unduly delayed or not proceed** for any reason, what is likely to be the outcome for the buildings fronting O'Connell Street and other historic buildings in the area. This issue was addressed (indirectly) by the P.A. in the further information request (Item 1), whereby the P.A. was concerned about the sequencing of demolition and construction. In order to minimise/avoid the prospect of demolition proceeding without construction in a timely manner thereafter, the P.A. had requested assurance that the demolition and construction phases would run sequentially to minimise the impact of a large vacant site on the streetscape and to ensure that extant buildings would not be removed except where proposed development is imminent at each location. A detailed methodology and program of demolition and excavation works was therefore required.

8.8.40. In response (RFI July 2023), the applicant pointed out that firstly, no demolition works would occur until the enforceable Railway Order is in place which is subject to a separate application. It was further advised that once demolition starts and is completed, the construction works within MEW will follow sequentially with no program gaps planned and there will be no 'stand down periods' whilst the vacant site remains dormant waiting for construction works. The applicant has agreed a Memorandum of Understanding with the NTA/TII to complete the enabling works and to ensure that both projects are structurally independent of each other.

8.8.41. I would also refer the Board to the document *‘Dublin Central Masterplan – Response to Site 2 Further Information Request – Item 1 (Programme)’* dated 19th June 2023, which was submitted with the FI Response. This document provides further detail on the sequencing of works and includes a letter of support from TII to the applicant’s approach to the construction programme of works. A detailed methodology is set out in Section 6.0.

8.8.42. Thus, a commitment has been given that no Metro Enabling Works (MEW) will take place until a Railway Order has been permitted and the contractors are in place. This factor, together with the program of works which will ensure that the Dublin Central development is not dependent on the Metrolink project in any way, whether functioning or otherwise, provides some reassurance on this matter. However, should problems occur with the timing of the Metrolink project or if it failed to proceed, the question remains as to whether a large vacant site would remain on O’Connell Street for years to come, which would not be in the interests of the protection of the heritage of the street or of the visual amenity or economic functioning of the street. It also raises the question as to whether the future of the Metrolink project might be compromised if the Dublin Central Development proceeded in isolation (i.e. without providing for the MEW).

8.8.43. In order to understand the risks involved, I have reviewed some of the documents submitted with the **Railway Order application** for the **Metrolink** proposal which is currently with the Board (**ABP.314724**), and which are publicly available. I note from the Planning Report, (4.5.12.2) that provision is made for a contingency plan in the event that the Dublin Central Development does not go ahead and/or the Metrolink project is delayed to a point beyond the construction of Site 2 (‘oversite development’) as follows:

“A third-party developer intends to construct a mixed used scheme overhead. Allowance has also been made for the possibility that the developer may not progress with the proposed mixed-use development in advance of Metrolink. To provide for this scenario, TII has worked closely with Dublin Central GP Ltd to ensure that the design for that scheme allows for the construction of an independent support structure to enable the station box construction and fit out to be carried out during or after the Dublin Central GP works have been completed.”

I would also refer the Board to the EIAR Chapter 5 Metrolink (5.10.8) which details two potential scenarios for the construction of the station at O'Connell Street, one with the Oversight Development (Scenario 1) and one without (Scenario 2).

- 8.8.44. **Contingency plan if Dublin Central Development does not go ahead** - The proposed development by Dublin Central is essentially based on Scenario 1, whereby the developer would construct the structural box to house the station as part of the development of Site 2. This would require the demolition of all of the buildings on the site (apart from the facades and structures scheduled to be retained) and the construction of the MEW first, followed by the 'oversite development'. Importantly, both the Dublin Central Development project and the Metrolink project would be structurally independent of each other. Once the structural box is constructed, the station can be constructed and fitted out within the box at a later date and the Dublin Central Development can be constructed above and around it.
- 8.8.45. The EIAR for the Metrolink project (Chapter 5, 5.10.10) states that in the event that the oversight development does not go ahead, construction of the structural box would proceed in the same way as outlined above. It is stated that the objective in this scenario will be to prepare the site for a future unknown development. It is clear, therefore, that if either development were to proceed in isolation, the demolition as proposed in the current application would proceed and the structural box would be constructed. Should problems arise with the delivery of the redevelopment of Site 2 in the future, it is considered that the presence of a Metrolink station (or prospect of one with the structural box in place) and a cleared site at this location is likely to make the site more marketable for the delivery of an alternative development in such a scenario.
- 8.8.46. Having reviewed the documents submitted with the application/appeal, together with some of the relevant documents submitted with the Railway Order application, I am satisfied that adequate provision has been made in each of the proposed projects to cater for scenarios whereby one of the projects proceeds in isolation, without resulting in a large vacant site enduring over an unduly lengthy period of time on the Capital's main street. I would also accept that the phasing plan for the construction of the overall development including the MEW is likely to necessitate the early removal

of all of the buildings proposed for demolition, as it will be necessary to excavate and construct the MEW first before any further development of Site 2 can progress.

Conclusions on Impacts of Excavation

- 8.8.47. **In conclusion**, the nature and extent of the proposed regeneration project, combined with the facilitation of the MEW within Site 2, is likely to result in a scale of excavation that presents significant challenges for this historically and culturally sensitive and multi-functional environment in the heart of the city. However, both the regeneration of this urban block and the provision of the Metrolink station at this location are very well supported by a wide range of planning and transport policy frameworks in place at a national, regional and local level.
- 8.8.48. It is considered that the suite of documents submitted with the application and appeal, together with relevant documents submitted in support of the Metrolink project, demonstrate that every effort has been made in the location and design of the projects to minimise the adverse effects of the excavation works and that the intended construction methodologies would further mitigate these impacts. I am also satisfied that the projects are structurally independent of one another and that if one project were to proceed in isolation, the scale and extent of excavation and demolition as proposed is still likely to be necessary. It is considered, therefore, that the nature, scale and extent of the excavation as proposed is acceptable in light of the significant public benefit that would ensue from progressing both projects which is generally in accordance with the policy framework for the area.

8.9. Architectural Approach and Urban Design Concept

- 8.9.1. The submitted application relates to Site 2 which forms part of the Masterplan area known as Dublin Central, and for which the ***Dublin Central Masterplan Design Statement*** has been prepared by **Acme Architects**. The masterplan area has been subdivided into smaller blocks labelled as Sites 1, 2AB, 2C, 3, 4, 5 and 6. The ***Masterplan Design Statement*** sets out the overall design concept for the comprehensive regeneration of the expansive urban block (c.2.2ha), which comprises a disparate collection of buildings ranging in height up to 6-8 storeys.
- 8.9.2. It provides for a mixed-use scheme across a number of buildings including residential, offices, hotels and ground floor retail, cafe and restaurants. It includes

the retention of the structure of the historic lanes and the restoration of their finishes as well as two new public squares and introduces a new East-West link from O'Connell Street to Moore Street, via Moore Lane. The master plan includes a number of important heritage buildings and facades some of which are protected structures which are restored and incorporated into the design. It includes part of the urban battlefield from the 1916 Rising as well as some other key buildings and wraps around Nos. 14-17 Moore Street, the National Monument. The Masterplan also facilitates the provision of a new Metrolink station beneath the buildings on O'Connell Street, including station entrances. The Masterplan Design Statement sets out the vision and key design principles for the regeneration of the area.

- 8.9.3. The proposed development relates to both **Site 2AB** and **Site 2C**, which together form Site 2. Site 2AB occupies the southern part of Site 2 and Site 2C occupies the northern section. The architectural design approach for each of these two sites has been prepared by a number of different architectural practices and two separate Architectural Design Statements have been submitted in addition to the Masterplan Design Statement. **RKD** and **ACME Architects** have prepared the Architectural Design Statement for **Site 2AB** and **Grafton Architects** have prepared the Architectural Design Statement for **Site 2C**. The design approach to each of these sites is supported by a range of supplementary documents including reports and plans addressing issues such as conservation and heritage, archaeology, landscape and visual impact, public realm and pedestrian flow management, sustainability, waste management, structural engineering, public lighting and provision of services.
- 8.9.4. The proposed development of Site 2 essentially comprises the retention and restoration of a number of facades along O'Connell Street, (as detailed in earlier sections of this report), and the construction of two separate buildings (one of each of sites 2AB and 2C) behind the retained facades and infilling of the gaps in the streetscape between the retained facades. There would be a single level basement (spanning the area beneath both buildings) to accommodate car parking, cycle parking and plant areas which would be accessed from Moore Lane. The metro structural box would be accommodated beneath the eastern part of both Sites 2AB and 2C, with station access points accommodated with the ground floor of Site 2C.
- 8.9.5. A new East-West Street (which would separate Sites 2AB from 2C) is proposed to connect O'Connell Street with Moore Lane. This street would be lined with active

ground floor uses comprising a mix of retail and café uses and would lead to the proposed plaza to the north of the Moore Street National Monument. It is also proposed to provide a new cultural space as part of Building 2C. The proposed public realm improvement works include a second smaller plaza adjacent to the Reading Room, which is to be refurbished as a restaurant/café. The historic laneways would be retained and significantly upgraded with improved surfaces incorporating the historic materials where they are identified as being worthy of preservation and reuse. However, the character of the lanes would also be significantly altered by reason of the significant increase in the height and scale of buildings and alterations to the layout including the removal of historic building lines.

Site 2AB

- 8.9.6. **Building 2AB** comprises a 6-storey building (over basement) that presents to O'Connell Street as a predominantly 4-storey building which is generally aligned with the retained facades and existing parapet line. The fifth and sixth storeys are stepped back to reduce the perceived mass from O'Connell Street. The Moore Lane elevation steps down towards the corner with the Reading Room but rises again to the north. The top two floors are also stepped back for much of the Moore Lane elevation but increase to the full 6 storey height at the North-western corner where it faces the proposed public square. The northern elevation is with the new street, where the upper floors are recessed as O'Connell Street is approached. Site 2AB incorporates a small, shared basement which sits over and alongside the proposed metro station box.
- 8.9.7. The proposed main building provides for a mixed-use scheme of retail (c.1,757m²) and restaurant/café (c. 1,815m²) predominantly on the ground floors fronting onto O'Connell Street, Moore Lane and the New Street as well as around the refurbished Reading Room at the south-western corner. These uses include a large anchor retail unit and a 'landmark' restaurant within a double height space behind the retained Carlton façade. The upper floors comprise a 'prestigious office development' (c.17,318m²) which incorporates an atrium to the south and to the north of the central core with two main entrances, one from O'Connell Street and one from Henry Place to the south adjacent to the proposed pocket park.

- 8.9.8. The Protected Structures comprising the facades of 52-54 O'Connell Street (Carlton cinema), 57 and 58 O'Connell Street are retained, repaired and restored. The new buildings firstly, at No. 55-56 O'Connell Street and secondly, to the immediate north of the Carlton site, are designed to align with the 4-storey parapet height on the O'Connell Street streetscape. The historic plot widths are also maintained along O'Connell Street.
- 8.9.9. The Carlton cinema façade (52-54) is to be restored to its former glory complete with a re-instated replica of the original canopy (redesigned in response to RFI Item 2(c)). The restored Carlton Cinema façade will play a significant role in the reinstatement of the status of O'Connell Street. Behind the significant upper floor façade, the restaurant will have a double-height space with a mezzanine behind, providing a dramatic space overlooking O'Connell Street.
- 8.9.10. The upper floor facades of No. 57-58 will also be carefully restored, and the shopfront of No. 58 will be replaced with a contemporary façade of black metal framed glazing with deep reveals and reconstituted stone surround. A similar materiality is present in No. 57 within the existing retained and refurbished shopfront. Behind the retained facades of Nos. 57-58, the design of the eastern elevation of 2AB incorporates setbacks to provide for amenity terraces, which also allows adequate space for the retention of the existing fenestration on the protected facades.
- 8.9.11. The facades of the new infill buildings facing onto O'Connell Street comprise red brick with reconstituted stone decorative elements. The new building on the site of No. 55-56 incorporates the O'Connell Street entrance to the office block. The upper floors of this building do not align with the fenestration pattern at Nos. 57-58 but introduce a new contemporary design approach. The upper floors of the new corner building are also of red brick, with a triangular profiled reconstituted stone cladding around the arched doorway which continues along the ground floor facade.
- 8.9.12. The recessed top two floors of the eastern elevation of 2AB facing O'Connell Street will have simple façade designs of a contemporary nature with full-height glazed panels and stone pilasters of a light colour similar to the retained façade of the Carlton cinema below. Clerestory glazing will be provided above the existing parapets of No. 57 and No. 58 to allow for the increased floor heights of the new

offices to the rear. The initial submission had incorporated a variety of materials and finishes to these upper floors, but this was subsequently amended to provide for a more uniform design approach across the upper floors of the building (in the FI submitted in July 2023). The design changes included the replacement of the red brick curved corner feature with the glazing and stone pilaster approach, together with the removal of large ‘fins’ at the ends. It is proposed to use a slightly lighter colour above the former cinema façade and a darker colour at the corner to differentiate between the different plots.

- 8.9.13. The northern elevation of 2AB facing the new street comprises a red-brick façade on the upper floors which is curved and gently undulating (or ‘wavy’). The upper floors along the New Street are recessed but rise up to full height at the corner with Moore Lane. The ground floor is clad in reconstituted stone with a triangular profile. The front door, which is strategically located at the corner with O’Connell Street, has an arched entrance in reconstituted stone with a glazed insert. However, the triangular profile of the reconstituted stone was amended to a ‘filleted edge’ profile with a protective cill for easier maintenance, and the design of this corner entrance was simplified. The detailed design of this corner entrance was further revised by P.A. condition.
- 8.9.14. The Moore Lane (western) elevation is composed of brick and reconstituted stone. A range of brick (red, grey and some red with yellow hues) and different types of bond are used to create variety along the street and to tie in with the previous industrial character of the lane. The height steps up from 2-storeys at the SW corner to 4 storeys and finally 6 storeys at the NW corner, with darker grey coloured brick used on the upper floors. The elevation is also modulated with recessed vertical elements and the setbacks at the upper levels to help address the reduced scale and character of Moore Lane. The southern elevation of the building incorporates the second office entrance from Henry Place. This high-profile entrance is framed by a double-height glazed metal frame with a metal grid and bronze reveals, which will be the visual focus along the lane from Henry Street.
- 8.9.15. The **P.A. Conservation Officer** raised a number of concerns over a wide range of issues, (summarised at 4.2.2 above), some of which were addressed in the FI request and subsequent responses (see 4.3 above). In terms of the height, scale and massing of Site 2AB, concern was expressed about the impact on sensitive

historic views within the ACA including long range views along O'Connell Street between the quays and Parnell Square and the significant scale on Moore Lane. It was therefore requested that the proposed building design be revised to reflect the graduated hierarchical relationship between the mews lane and the main street, rather than being influenced by the height of emerging development at the northern end of the lane. The excessive height, scale and massing was also raised in the third-party objections and by An Taisce in its submission to the P.A. in terms of the detrimental impact on the character of both O'Connell Street, Moore Lane and Henry Place.

- 8.9.16. The appropriateness of the height, scale and massing of both buildings will be discussed in more detail in the following section. However, at this juncture, it is noted that Building 2AB is 6-storeys in height and presents to O'Connell Street as 4-storeys, which generally accords with the parapet heights established for the planned street during its reconstruction in the 1920s. The CO was not satisfied with the revisions to the design and materiality of the front recessed upper floors of 2AB. Concern was expressed that due to the now largely homogenous appearance of these upper floors, the strategy to retain only the facades would be highlighted with a substantial building evident to the rear.
- 8.9.17. I would agree that the revised design does not differentiate between the original building plots as definitely as the original proposal. The use of lighter and darker colours, however, provides for some differentiation and the Area Planner considered it to be a more consistent and simplified design. I would agree and consider that the overall effect of the glazing with stone pilasters is much more subdued and helps the upper floors to recede from prominence much more effectively.
- 8.9.18. The increased height, scale and massing was considered by the CO to be most evident to the rear as it would substantially alter the character of Moore Lane. However, it is considered that the design seeks to mitigate this impact by the use of set-backs on the upper floors, modulation of the elevations with recessed elements and a variety of materials including different coloured bricks, which would reduce the potential impact of the increased scale on the lane. The increased scale can also be viewed in the context of facilitating the rejuvenation of what is currently a very poorly utilised lane by the introduction of ground floor active uses together with significant

interventions in the public realm by introducing a new pedestrianised street, public squares and new ground surfaces.

- 8.9.19. It is noted that the CO welcomed the retention and restoration of the facades (subject to more detailed information regarding the conservation and repair works) but was not satisfied with the manner in which the floor plates of the new building related to the room sizes and fenestration of the retained facades of the Carlton cinema (52-54) and Nos. 57 and 58 O'Connell Street. It was further noted that the window openings of No. 55-56 did not align with those of the adjoining Protected Structures and that the shopfront to No. 58 required the retention of all surviving historic elements.
- 8.9.20. It is considered that the retention and careful restoration of the iconic Carlton Cinema façade, including the distinctive cast iron metal windows and reinstatement of the canopy to match the original, will form a central focus for the development. The vertical and narrow shape of the double set of windows lends itself to the creation of a large double-height space behind which the proposed café/restaurant floorspace and mezzanine level can benefit from the full uninterrupted height of the windows. The Design Statement (4.8) states that 'the double-height space and mezzanine floor will provide a dramatic space behind a significant façade, and activity will be visible through the windows from street level.' It is considered that this provides an opportunity for the architectural character of the building to be appreciated both externally and internally whilst creating a distinctive food and beverage destination space.
- 8.9.21. The facades of No. 57 and 58 will be restrained by a new structure behind, but where floorplates clash with the window levels (such as at SF and TF), a double-height 'gallery' space with a lightwell overhead will help to accommodate level differences between existing windows and proposed new floor levels, whilst protecting the historic fabric. It is considered that whilst it is not ideal to have a large office building situated to the rear of the historic facades, the provision of the proposed gallery spaces and lightwells would provide buffer zones which would help to manage the relationship between the structures in a reasonable manner.
- 8.9.22. I note that the existing fenestration pattern of the buildings to the south of the Carlton Cinema façade is quite varied, yet this does not appear to detract from the unity of

this part of the terrace. The window openings in the new infill building at 55-56 O'Connell Street, in my view, are therefore acceptable as they represent a new contemporary building which is introduced in the middle of the terrace and which utilises other measures, (such as height, scale and materiality), to help the building to successfully integrate with the historic streetscape. I would agree that the surviving historic fabric elements of the shopfront at No. 58 should be retained as the entire façade is now protected.

8.9.23. The CO generally accepted the proposed amendments to the corner retail unit apart from the treatment of the arched entrance at the corner of O'Connell St and New St. It was considered that the architrave as initially proposed should be reinstated, that the revised door arrangement (single door) should be retained but that the proposed corrugated glazing/detailing around the door be omitted and replaced by a curved high-quality bronze frame. However, the Area Planner considered the proposed amendments could be addressed by condition.

8.9.24. It is considered, therefore, that the design approach for Site 2AB is generally respectful of the sensitive historic environment and generally accords with the guiding principles and design guidance for the area, subject to conditions as discussed above.

Site 2C

8.9.25. **Building 2C** comprises a 6-8 storey building with additional plant and telecom equipment on the roof, which effectively increase the height of part of the building to 9 storeys. Site 2C also incorporates a small, shared basement which sits over and alongside the proposed metro station box. The building has a GFA of 18,159m² on a site area of 3,581m². Site 2C comprises 12,215m² (net) of Grade A office space and 1,249m² (net) of ground floor retail and restaurant/café space. The building incorporates three internal courtyards (2 external and one internal) around which the life of the building revolves. The layout provides for active ground floor uses (retail/restaurant) along the length of the O'Connell Street and New Street frontages, with back-of-house uses located at the northern end of the frontage to Moore Lane. The design of the building makes provision for two entrances to the future Metrolink station, one from O'Connell Street and one from Moore Lane.

- 8.9.26. The building presents to O'Connell Street as a part 4-storey building, part 6-storey building, with the taller elements (8-storey plus roof plant enclosure) set back further. The 4-storey element comprises the retained facades of Nos. 43, 44 and 45. The tallest section of the building (c.42.45m high), located at the north-western corner, is set back by c.27.8m behind these facades. However, it should be noted that the remaining taller elements are set back by much shorter distances from O'Connell Street. The frontage of No. 44 will incorporate the main entrance to the future Metrolink station and associated foyer area. The remainder of the O'Connell Street frontage (Nos 46-49 O'Connell Street) is occupied by a new infill building which is 5-6 storeys high, reducing to 4 storeys as the corner with the new street is approached. This building will incorporate the main entrance to the office building which will lead into a central light-filled atrium.
- 8.9.27. The office entrance hall is intended as a pivotal space around which the life of the building would revolve. It is connected visually and spatially to the GF courtyard to the north and the FF courtyard to the south and rises to the full height of the building. This element of the design has been described as a fundamental aspect of the design concept by providing a 'pleasant office working environment' full of natural daylight with direct access to external courtyards and terraces. In addition to the two courtyards, there would be three further amenity terraces (one each at levels 4, 6 and 7) as well as two loggia terraces.
- 8.9.28. The restoration of Nos. 43, 44, 45 O'Connell Street will be carried out in accordance with the 'Façade Retention Strategy' (Appendix 3 of the MP Design Statement). The layout will take account of the existing fenestration patterns of the existing facades and a 5-metre buffer zone will provide for a sympathetic structural solution. The facades will retain the original path to ground with only lateral restraints coming from the rear. The series of new pier walls of the 5m 'independent structure' are designed to correlate with the original plot boundaries which will allow the rhythm to be reflected in the external expression of the building to O'Connell Street. Where floorplates clash, the double-height space will help to maintain the scale of the original front rooms. The shopfronts of Nos. 43 and 45 will be restored and re-used, whilst the GF frontage of No. 44 will be altered to accommodate the Metrolink station entrance. An interim solution is required until such time as the Railway Order is

granted, which will comprise of the insertion of glazed window 'vitrines' to provide for visual activity behind the façade.

- 8.9.29. The architectural design of the eastern elevation of the new infill building fronting O'Connell Street is contemporary in approach with a striking stone façade and a strong vertical emphasis grounded by a large, glazed shopfront with a stone fascia giving a horizontal base. There is a double-height entrance to the office accommodation located between the shopfront and the retained historic facades. The new façade occupies a prominent position on the corner of the new street. The stone façade is composed of stone pilasters punctuated by large vertical windows with deep reveals at first and second floor levels which give way to stone loggias at fourth and fifth floor levels. The main loggia is 5-bays wide with tall vertical pilasters which over-sail the traditional parapet heights of the retained facades. It breaks the traditional parapet line for approx. 17m before dropping down towards the corner. The second loggia is a corner feature at third and fourth floor levels which provides for a transition to the largely brick façade on the southern elevation.
- 8.9.30. Due to the variable heights of different sections of the building, there are several east-facing facades at the upper levels, which are recessed by varying distances behind the O'Connell Street frontage. These facades are mainly of red brick with reconstituted stone trimmings and decorative elements. The siting of the external courtyards in the centre of the building means that some are set back a good distance, but others are recessed to a lesser degree. In terms of the taller elements behind the retained facades of Nos 44 and 45, the red-brick facades gradually step up in height towards the rear lane with amenity terraces on the flat roof sections. However, the tallest element of the new building is located to the rear of the retained façade of No. 43. This comprises a red-brick and stone elevation which extends some 14.5m above the established parapet height and includes a 2-storey loggia with a strong vertical emphasis, (later extended to 3 storeys).
- 8.9.31. The design and scale of this element of Site 2C, together with the location of the plant, equipment and enclosure, were of concern to the P.A.'s Conservation Officer, as the impact on No. 42 O'Connell Street (PS) was considered to be overbearing. The P.A had requested that this be addressed (RFI Item 2(d)), given its visual dominance, particularly when viewed from the corner of Cathal Brugha Street.

8.9.32. In response, the **FI submission** (July 2023) did not reduce the height of the building or parapet, but instead altered its design. The alterations sought to expand the proposed loggia in question to form a 3-storey feature facing east and to continue the stone expression (pilasters) of the loggia around the corner to the northern elevation at Levels 06 and 07. The continuation of the loggia 'around the corner' with an 'open parapet' on the northern elevation was considered to lessen the impact on the northern elevation. The roof-top plant was also rationalised and the tallest elements moved to less visible locations. It was submitted by the applicant's design team that the combination of these changes would make it more transparent in order to lessen the north-facing volume of the building. It should be noted that this feature, due to its location relative to the Protected Structure at No. 42 O'Connell Street (immediately to the north), is considered to form part of the setting of the protected structure, which will be discussed further below.

8.9.33. The southern elevation with the new street is predominantly 6-7 storeys high, stepping up gradually from 4 storeys at the corner with O'Connell Street to 6 storeys and finally, 7 storeys at the SW corner with Moore Lane, facing the public square. The three steps are marked by external terraces at each of levels 5, 7 and 8. The façade is predominantly of red brick with the ground and first floors clad in reconstituted stone, which is also carried through at the upper levels, with pilasters and string courses, to provide visual relief. The ground floor comprises a range of retail and restaurant spaces fronting onto the south-facing pedestrianised street. It is stated that the shopfronts have been designed having regard to the guidance in the O'Connell Street Special Planning Control Scheme and the DCC Shopfront Design Guide. They consist of granite stall risers and a deep stone frieze, providing a consistent datum above which the building sits.

8.9.34. The northern elevation is set back from the boundary with No. 42 O'Connell Street (PS) by means of the new pedestrian lane leading to a small internal courtyard behind the existing rear building line. This proposed laneway is 3m wide and is intended to serve a number of purposes, including the provision of light and external amenity space to the basement and ground floors, rear access to the café and a secondary entrance for office staff. It is also intended as a buffer zone separating the proposed development from the boundary with the protected structures at No. 42 O'Connell Street and O'Connell Hall.

- 8.9.35. The western elevation to Moore Lane is the most substantial elevation of the 2C building. It is described as comprising largely ‘fenestrated brick volumes with cuts and sifting planes to break down the massing’. The scale of the elevation increases incrementally in height towards the north-western corner of the site reaching 8 storeys with an additional plant enclosure above. The mass is broken down by both vertical and horizontal elements.
- 8.9.36. The three incremental steps are accentuated by deep vertical recesses in the façade, which are c. 2 bays wide. Horizontal elements include the use of reconstituted stone at ground and first floor levels, pilasters at second floor level and several string courses. The footprint of the building is stepped back along the southern section in order to provide good visibility of the proposed future Moore Lane Metrolink station entrance, which will open opposite O’Rahilly Parade. Two-storey stone pillars are used along the recessed section to create a colonnade adjacent to the proposed café/restaurant at GF level.
- 8.9.37. In addition to the café and metro station entrance, the Moore Lane elevation incorporates both the vehicular ramped entrance and the pedestrian access to the car park/cycle park, as well as the Metrolink fire escape and the majority of the back-of-house service areas. There is also a small narrow retail unit (c.3.1m wide) and a small café/restaurant unit along the frontage, with the entrance to the new pedestrian lane immediately to the north. The P.A. expressed concern regarding the long section of dead frontage (c.25m) along Moore Lane which comprises several utilitarian elements followed by a series of entrances/exits. There is also a 24-hour service loading bay, and 2 substations proposed at this location.
- 8.9.38. The **response** to the **FI request** (July 2023) regarding the utilitarian nature and associated dead frontage (Item 2(e) proposed a redesign of the back-of house space, the omission of the narrow GF retail unit fronting Moore Lane and the introduction of a cultural centre at ground and first floor levels providing 551m² of floor space for community/arts/cultural use. This would consist of 48m² at GF level and 503m² at FF level, which would displace part of office floorspace in this building. The new access point to the cultural space was intended to offer a more active frontage to Moore Lane. The possibility of relocating the electricity substations away from the Moore Lane frontage onto the new northern laneway had also been explored but was found to be infeasible due to fire and health and safety risks.

- 8.9.39. The **P.A. Conservation Officer** raised a number of issues of concern regarding the design of 2C (which are summarised at 4.2.2 above). These principally related to the height, scale and massing of the building and the failure to respect the graduated hierarchical relationship between the principal street and the lane. Building 2C is 6-8 storeys in height (excluding the roof top plant enclosure and telecom equipment). Although, it presents to the O'Connell Street frontage as 4-storeys, which generally accords with the parapet heights established for the planned street during its reconstruction, it rises to 8-9 storeys in the recessed elements facing the main street. The parapet height of this 8-storey plus section of the building rises to 42.45m AOD in the NW corner, as it includes the parapet to the plant enclosure. The height drops to 8 and 7 storeys (40.27m AOD and 36.34m AOD), respectively, in the middle and southern sections fronting Moore Lane. The tallest section (NW) includes plant and telecoms equipment on the roof and an enclosure, creating the impression of a 9th storey.
- 8.9.40. The NW corner block was considered by the CO to be excessive in height and scale as it would 'create a chasm-like volume' that would not relate to the scale of the existing buildings on O'Connell Street and would have an overbearing and detrimental impact on the setting of the Protected Structures at this location and on the character of the streetscape of the ACA and would therefore be contrary to the policies and objective of the CDP. The 'stepped blocks' whereby sections of the building of varying heights progressively rise away from O'Connell Street, would present an overbearing and dominant form which would upset the balance of the urban block.
- 8.9.41. The CO considered that the submitted revisions to the design would not materially reduce the height, scale or massing of 2C and the associated impact on the setting and architectural character of the ACA or the adjoining Protected Structures. Instead, it would represent a dramatic departure from the historical graduated hierarchy between the main street and the lanes and would have a considerable visual impact on the setting and character of No. 42, which is the last surviving 18th century house on the street.
- 8.9.42. Furthermore, the overbearing nature of this excessively tall block on the NW corner, which was noted as being almost twice the height of the principal facades, would create a very dominant presence above the Protected Structures and ACA

streetscape. The solid to void ratio of the new block was also considered to make the protected/historic facades appear diminutive. The masts, antennae and plant enclosure on the roof of 2C were considered by the CO to extend the height of a building which is already excessively tall, and these items should be relocated or omitted from the scheme.

- 8.9.43. The CO, therefore, recommended that the height, scale and massing of both buildings be reduced and more specifically, that the height of the 2C block be reduced by two storeys, that the roof plant be relocated elsewhere within the building/site and that the masts/equipment be omitted from the roof. The Area Planner, however, disagreed and considered that the proposed development was acceptable. It was accepted that the proposed development would have a certain visual impact on the O'Connell Street area, but it was considered that it would not be an overly negative impact on the wider ACA area. On balance, given the site's importance within the wider master plan area and the major regeneration that would be achieved, the proposed development, as amended, was considered appropriate in this case.
- 8.9.44. I would generally concur with the views of the CO on this matter, and agree that when viewed from certain key vantage points on O'Connell Street, the proposed building would be visually obtrusive and seriously detrimental to the character and setting of No. 42 (PS), Nos. 43 and No. 44 (façades PS) and No. 45 (NIAH) O'Connell Street, which are protected structures/historic buildings (on NIAH register), and form an integral part of the streetscape of the O'Connell Street ACA. It is considered that the red-brick elevations further highlight the presence of the taller blocks above the parapets.
- 8.9.45. The prominence of the Parnell Monument (PS) would also be diminished and its setting adversely affected by the scale, height and massing of the building above and behind the uniform parapets of the O'Connell Street frontage buildings. The most adverse impacts are evident in the views from Cathal Brugha Street and the Parnell Monument on O'Connell Street. The views from Parnell Square (VP1), Parnell Monument (VP3), Cathal Brugha Street (VP4, VP5 and 5a) in particular, demonstrate how the excessive height, scale and massing would overwhelm views of the protected structures, particularly No. 42, and of the streetscape.

- 8.9.46. The height, scale and massing of the building at the NW corner, at 42.45m AOD, is particularly problematic as it would significantly exceed that of the O'Connell Street parapets (c.22m AOD), and notwithstanding the setback of 27.8m, would have a detrimental impact on the setting and character of the protected structures and the streetscape. It is acknowledged that the masterplan envisages the development of Site 1 immediately adjacent to No. 42 and this could mitigate the impact of the large building behind. However, this proposal is not currently before the Board and there is no guarantee that it would hide the structure to the rear, given the height differential involved. The height of the NW section of 2C therefore needs to be reduced.
- 8.9.47. It is further considered that the proposed loggia feature at the NW corner, which comprises a 4-bay structural frame to an accessible external terrace that was initially 2-storeys high, and subsequently extended down to the next level (3-storeys), draws attention to the over-sized building to the rear. It comprises a series of reconstituted stone pilasters which form a colonnade at the top levels of the building, creating a vertical emphasis which with their white colour, stand out in contrast to the red brick façade. It would, therefore, highlight the height differential between the established parapet height of the principal elevations below and the large building to the rear.
- 8.9.48. It is acknowledged that the Applicant stated (RFI Planning Report July 2023 – response to Item 2(d)) that *“the enhanced presence of the loggia serves to embellish the building’s northern gable, to the extent that it successfully terminates the taller terraced contribution to the south, whilst respecting the architectural independence of No. 42.”* It is also noted that the CO considered this particular loggia (and subsequent changes) to be a positive intervention, but not one which would reduce the impact of the excessive height, scale and massing. However, I consider that the design and materiality of this loggia feature contributes to the prominence of the recessed NW block and accentuates the difference in height, scale and massing of the building to the rear of the historic structures and should be omitted.
- 8.9.49. The proposed development would, therefore, by reason of the excessive height, scale and massing of Building 2C, be inconsistent with the advice in the Architectural Heritage Protection Guidelines which require that a Protected Structure should remain the focus of its setting (13.7), and that new works should not adversely impact on views of the principal elevations of the protected structure. It would also be contrary to CDP policies **BHA2** and **BHA7**, which seek to ensure that new

development does not adversely affect the special character, appearance or setting of a Protected Structure and is sensitively designed and appropriate to the character of an ACA in terms of scale, height, mass, density and materials.

- 8.9.50. It is further considered that it would not comply with the detailed guidance for O'Connell Street, as set out in the O'Connell Street ACA, the Scheme of Special Planning Control and the Guiding Principles of the Key Opportunity Site (SDRA 10), as summarised at 6.0 above. This guidance generally requires that new development must respect the existing character of the street by following the coherent design approach as devised in the reconstruction of this part of O'Connell St. following the battles between 1916 and 1922. The planned approach to the redevelopment of the street was based on the unification of individual buildings by restricting height, the adoption of a common cornice and string course and the use of high-quality materials such as stone and brick. Thus, the height, scale and massing of Building 2C, and in particular the NW section, should be reduced and the associated loggia should be omitted by condition, should the Board be minded to grant permission.
- 8.9.51. Concern was also raised by the CO in respect of the proximity of 2C to the Protected Structures at No. 42 O'Connell Street and O'Connell Hall to the rear. It was noted that the distance between the above ground and No.42 is 3.150m and the proposed basement level is directly adjacent to its southern boundary. Detailed drawings 1:20 were requested of the proposed development along the boundary including 1:10 junctions at roof level indicating how rainwater will be discharged and relevant flashings between the buildings and underpinning proposals. The Area Planner considered that these matters could be addressed by means of a condition.
- 8.9.52. The relocation of the plant, telecom equipment and masts on the roof of the NW block was also the subject of a FI request (Item 2(f)). The P.A. had sought clarification on whether the existing telecommunications structures would be decommissioned and expressed concern regarding the visibility of the proposed equipment over a wide area. The applicant's response referred to the letter prepared by Independent Site Management which confirms that the decommissioning of any telecommunication equipment is not in the gift of the applicant as that infrastructure is controlled by third party telecommunication companies. It was further submitted that the position and height of the antenna would ensure optimum effectiveness and

are considered appropriate to ensure that signals can be sent/received and to avoid blocking from the building parapets.

- 8.9.53. The Area Planner noted that in the response to the FI request, the antennae have been relocated away from the building edge and towards the centre of the roof on the highest block. It was further noted that the mid-antenna height of the infrastructure has been increased to get the cellular signal past the roof edge of the proposed block 2C. As such, the revised proposal was considered to be acceptable given the technical requirements. I would accept that this is a reasonable approach. However, I would question whether the plant and associated enclosure could not be relocated elsewhere within the building envelope or on a less conspicuous part of the overall roof, due to the particularly sensitive nature of the location.
- 8.9.54. The CO had also raised concerns regarding the poor relationship between the juncture of the retained facades and the new building to the rear (2C), as it was considered to result in a disconnection between the old and the new. It was recommended that the proposed layouts and floor plates be revised to ensure that the legibility of the historic façade be retained. Furthermore, The CO believed that the loggia of the new infill building located between No.45 and the corner with the new street, was considered to result in a feature which would dominate the parapets on O'Connell Street and should be omitted.
- 8.9.55. I am of the view, however, that the design of the new building 2C where it fronts directly onto O'Connell Street, which includes a buffer zone between it and the retained historic fabric, would be acceptable. In respect of the loggia feature at 46-49 O'Connell Street, this appears to be an integral part of the design of this contemporary building. This building is designed to make a statement as it is located on a prominent corner heralding the entrance to the new street. It is considered that the design and use of materials with light coloured stone and strong vertical features, would represent a new contemporary approach at this important junction and would differentiate it from the historic facades, without detracting from the character of the streetscape.
- 8.9.56. **In conclusion regarding Building 2C**, it is considered that the height, scale and massing of 2C, particularly at the north-western corner, is excessive and would have an unacceptably detrimental impact on the setting and architectural character of the

protected structures in the foreground, on the setting of the Parnell Monument and on the O'Connell Street streetscape, where the existing terrace forms an integral part of the ACA. The proposed loggia feature at the NW elevation would exacerbate this impact by making this corner more visually prominent. Thus, it would be contrary to Policies BHA2 and BHA7 of the CDP and to the guidance in the Architectural Heritage Protection Guidelines and in the detailed guidance for the site and the O'Connell Street ACA. It is considered, therefore, that the height of 2C should be reduced by one storey, the plant and enclosure (Level 08) should be relocated elsewhere, and the Northwestern section of the building should be redesigned by omitting the colonnaded loggia. These amendments would mitigate the impact of the scale of the recessed element on the historic buildings and the streetscape. This matter could be addressed by way of a condition should the Board be minded to grant permission.

8.9.57. **In conclusion (2AB, 2C)**, regarding the introduction of two new buildings of significant scale, the proposed development would result in a significant increase in the height and density of development on O'Connell Street and on Moore Lane. I would accept that the scale, height and massing of these buildings, due to the presence of the large volume at the upper levels, stepping back from O'Connell Street, would have negative visual impacts from various vantage points along the street and would alter the dominance of important landmarks such as the GPO within the streetscape. The upper floors of 2C above the parapets and the NW section in particular, would dominate the terrace of Protected Structures fronting O'Connell Street. The Conservation Officer's concerns regarding the impact of the scale and volume of these buildings on the rear lane are also acknowledged and I would agree that it would militate against the traditional, graduated, hierarchical transition to Moore Lane. However, it is considered that a reduction in height of two storeys is unnecessary and would potentially jeopardise the viability of the scheme. On balance, it is considered that the overall scale of the proposed development is justified in terms of the public benefit for the area, subject to the omission of one floor and other amendments as discussed above.

8.9.58. Notwithstanding this, it is accepted that the introduction of buildings of significant scale, into a historical setting such as this would inevitably result in significant visual impacts on the sensitive receiving environment. As previously stated, the overall

scale of development proposed is considered necessary in order to bring about the level of regeneration and change that is required on this strategically located site. It is considered, therefore, that the design approach for Site 2AB and Site 2C are generally respectful of the sensitive historic environment and in accordance with the guiding principles and design guidance for the area, subject to conditions as discussed above, which would reduce the impact on the sensitive historical setting by reducing the height, scale and massing and by simplifying the design.

Restoration of Reading Room

- 8.9.59. As discussed at 8.7.40 above, it is proposed to restore the Reading Room to the rear of No. 59 O'Connell Street (Dublin Bus) and to demolish the other ancillary buildings which would have originally formed part of these lands. Although not protected, it is a building of historical interest. It comprises former kitchens at basement level with a 'Reading Room' above, which comprises a top-lit reception space with a modillion cornice, a large rooflight and a central sunken oval soffit.
- 8.9.60. It is stated (AHIA 7.9.1) that the exterior form of the Reading Room was not the primary consideration in its design, given that it is sandwiched between flanking garden walls shared with Nos. 58 and 60 O'Connell St., respectively. It is further noted that its origins were likely to be as a coach house coupled with staff kitchens, which evolved to include a myriad of increasingly grander functions over the course of the varied occupancy of No. 59, as reflected in its possibly 19th Century multi-pitched roof form with three brick chimneys. It is enclosed to the east by another top-lit building (the Regency Annex), and to the west by an Edwardian car port fronting onto Moore Lane.
- 8.9.61. It is proposed to retain, refurbish and provide for a new adaptive use for this building as a café/restaurant, which will sit within a re-imagined public realm. This will necessitate the demolition of the Regency Annex and the Carport and a further building on the corner of Moore Lane and Henry Place (60a O'Connell Street), as discussed previously, as the Reading Room is currently hidden from view and at a remove from the public realm due to the siting of these buildings. Their removal is also required to enable the provision of the proposed pocket square, the inclusion of an emergency access stairs for the future Metrolink station and to facilitate emergency vehicle access and a loading bay along Henry Place and Moore Lane. I

would refer the Board to Appendix B of the 'Dublin Central Site 2AB: Architectural Design Statement' which includes detailed plans, sections and photographs of the building and its environs as well as the future proposals.

- 8.9.62. The refurbished Reading Room will sit within a pedestrianised island between the office entrance on Henry Place and the proposed new pocket square. The restored historic building is intended to serve as a focal point at the junction of Henry Place and Moore Lane and to form an attractive and animated backdrop to the new square.
- 8.9.63. The P.A. Conservation Officer raised concerns regarding the level of detail provided including the number and design of windows, the loss of a chimneybreast and the number of rooflights to be retained. It was recommended that the number of windows be reduced, that the means of circulation be revised, the southern rooflights be omitted and a new design for the door on the western elevation. The Area Planner recommended that these items be addressed as a condition of any planning permission. I would agree that this is a reasonable approach.

Permeability Enhancement and Public Realm Improvements

- 8.9.64. The Masterplan Design Statement and the individual Site Design Concepts have each placed considerable emphasis on the need to improve pedestrian permeability through the large urban block and to increase pedestrian movement through the Dublin Central site by providing new and more attractive animated streets with associated enhancement of the public realm, particularly along the existing historic lanes. The applicant submitted a report by Space Syntax entitled '*The Dublin Central Masterplan Scenario Testing & Design Development*' which examined the existing network of streets, the ground floor uses and character of the public realm, (see also Section 3.5 of Master Plan Design Statement).
- 8.9.65. The urban block was considered to be too large for 'walkability' and did not compare well to other successful city centre areas where the permeability is greater due to a finer urban grain. Moore Lane and Henry Place were found to be less busy, lacking in ground floor active use, deficient in views through or out onto the street and are characterised by a low-quality public realm which is poorly maintained. As a result, the existing lanes were seen as underused, prone to anti-social behaviour, poorly supervised and unsafe streets which discourage pedestrian movement through them, adding to the problems of impenetrability of the urban block.

- 8.9.66. The overall strategy (Masterplan 4.7) seeks to increase permeability and to encourage pedestrians through the site. The proposal seeks to create visual and physical links along desire lines and appropriate spaces to draw pedestrians into the lanes. It is proposed to introduce a new East-West pedestrian street linking O'Connell Street to Moore Street via Moore Lane, thereby reducing the size of the urban block, providing views through the block to the lanes and connecting the two shopping streets. The layout of the proposed buildings within Site 2 is intended to introduce a multiplicity of active ground floor uses to further draw pedestrians into the lanes. This would enable the urban grain of the historically important lanes to be retained and enhanced with increased pedestrian movement and animated linkages leading to significantly greater permeability.
- 8.9.67. The proposed East-West street (which bisects Site 2) is designed to lead people into a series of public spaces where there would be opportunity for more dwell time. The main public square, which is outside of Site 2, forms a major element of the enhanced public realm of the Masterplan. This south-facing plaza is accessed from Moore Street via an arch and would be animated by cafes and restaurants as well providing a sensitive setting for the National Monument. The plaza links Moore Street with the proposed cafes and shops on Moore Lane and the new street and onwards to O'Connell Street. The second plaza, which is within Site 2, is a small pocket square adjoining the refurbished Reading Room. Details of the proposed landscaping of these squares and spaces are provided in the Landscape Planning Report for Site 2 by GROSS.MAX Landscape Architects.
- 8.9.68. In addition to their functional role, the lanes have a special historic significance relating to the 1916 Easter Rising, as the evacuation route from the GPO was via Henry Place. This has been well documented by the Moore Street Consultative Group, whose document 'Securing history' includes a number of recommendations and is stated to have informed the Masterplan. Section 3.4 of the Masterplan Design Statement includes responses to several recommendations of the MSCG. These recommendations had generally sought the retention of the historic street patterns and original plot widths, the maintenance of the building heights on Moore Street and to bring significant historic buildings back into use.
- 8.9.69. It is submitted that, based on research combined with a ground penetrating radar, the extent of historic setts within the lanes has now been established. It is proposed

to carefully take up these setts, restore them and relay them in key areas within the masterplan area. They will have flat finishes to ensure that the lanes can be accessible to all, as the current surfaces do not meet the requirements for universal access. In addition, the pavements are too narrow for safe use and are unsuitable for fire engine and refuse vehicle access.

8.9.70. The Landscape Planning Report (Gross.Max) provides further details of the approach to existing historic paving materials and the overall hard and soft landscaping strategy. The Landscape Masterplan Report also includes high level concepts for the development of a historic trail commemorating the Easter Rising. It is stated that the original cobbles of the 1916 streets have largely been disturbed and destroyed, but the remaining original cobbles will be aggregated and re-laid in homogeneous areas to reflect the street finishes as they were in 1916. The restored original setts will be used in certain locations and complemented by natural stone setts and stone paving.

8.9.71. It is stated that the Masterplan supports the development of a proposed heritage trail which will record the movements and events of the 1916 Rising, but as this involves many stakeholders, it does not form part of the current application. However, the applicant continues to engage with the Irish Heritage Trust in bringing forward proposals for this memorial trail over the heritage route.

8.9.72. The significance of the Easter Rising and the need to provide for appropriate levels of understanding and legibility of the associated urban battlefield formed a significant element of the third-party submissions. The P.A. Conservation Officer also highlighted the importance of the historic lanes to the retention of the memory and comprehension of the 1916 Battlefield and the key locations within them which reflect the evacuation routes taken by the Volunteers. As such, the legibility and integrity of the lanes was considered to be of utmost importance.

8.9.73. The main concerns raised in this regard may be summarised as follows:

- The junction of Moore Lane and Henry Place is a significant location within the Battlefield site. The former mews building that currently occupies the corner site, 60a O'Connell Street, played a key role in the evacuation of Volunteers from the GPO on 28/29 April 1916. It is said that the Volunteers

had used the southern and western walls as shelter from gunfire before dashing across the lane and is therefore of great historical significance.

- The proposed demolition of 60a O'Connell Street is to facilitate the widening of the southern end of Moore Lane at the location of the proposed pocket park. However, it is considered that the layout of the historic lanes would be significantly altered due to the widening of this junction with Henry Place and the loss of the building. There was concern that in addition to the loss of the building of historical significance, the sense of enclosure and perception of a tight corner within the narrow network of lanes would also be lost. The redesign of this junction was therefore considered necessary.
- The proposals contained in the landscape design include the demarcation of lost building lines and plot boundaries by means of metallic in-ground studs which are considered to be wholly unacceptable. They would be insufficiently legible and would represent tokenism. A much more clearly visible landscaping approach is therefore required, whereby the former building lines, key locations and routes taken by the Volunteers are demarcated such that they would be clearly legible and conveyed in an appropriate manner, such as by using the salvaged materials.
- A thorough co-ordinated photographic and drawn survey of all surviving historic fabric and retained materials is required. The materials that are retained should be enhanced in their original locations as far as possible, within the parameters of the proposed development to ensure that the patina and authenticity of the settings respected.

8.9.74. It is noted that the Area Planner has included a condition in the recommendation (Cond. 5 (ix), (x) and (xi)) requiring that these matters be addressed. This included a requirement to 'revisit' the public realm at the junction of Henry Place and Moore Lane and identify a means of retaining a sense of enclosure which is intrinsic to the historic significance of the laneway, but which would also facilitate goods and emergency access as required. It is considered that this is a reasonable approach and a condition encompassing the revisions should be included in any planning permission.

Conclusions Architectural Approach and Urban Design Concept

- 8.9.75. In conclusion, the architectural and urban design approach for Site 2 is considered to generally accord with the principles set out in the Masterplan design strategy for the overall Dublin Central lands. The development of Site 2 would essentially be the economic driver for the Dublin Central Development which necessitates a significant scale of development in order to regenerate these underutilised sites in a strategically important area of the city, which is designated for regeneration (SDRA 10). This would also reflect the strategic approach of Dublin City Development Plan 2022 that the highest densities should be located at the most accessible and sustainable locations such as the city centre to ensure the efficient and effective use of land where public transport, employment, services and retail development can achieve an appropriate level of intensity for sustainability (Appendix 3, 3.2).
- 8.9.76. The key design principles for Site 2 include the retention and restoration of historic facades on O'Connell Street, the demolition of the structures behind the facades, the construction of two new substantial buildings and the incorporation of a structural box for the future Metrolink station, together with the creation of a network of animated streets and squares. The layout is designed to greatly increase permeability through the block whilst retaining the historic pattern of the laneways. This approach is generally consistent with a range of policies and objectives throughout various chapters of the CDP (summarised at 6.0 above) which, *inter alia*, seek to develop a safe and attractive network of pedestrian streets, encourage appropriate building heights to ensure efficient use of resources, services and public transport infrastructure and protects the heritage and natural assets of the city.
- 8.9.77. It is accepted that the extent of demolition and loss of historic fabric is very significant, but as discussed in previous sections, this was justified on the basis of the need to facilitate the O'Connell Street Metrolink station combined with the extent of demolition previously permitted on these lands. In general, the design approach is respectful of the sensitive built heritage of the area, apart from the concerns raised in relation to the height, scale and massing of the 2C building. As discussed in detail in previous sections, the protected structures within the site, (and some non-protected structure), are retained and carefully restored and are sensitively integrated into the design of the development.
- 8.9.78. Furthermore, the design of the new-build elements which front directly onto O'Connell Street introduces buildings of high architectural quality and materials,

whilst generally respecting the established parapet height, building line, proportions and plot width of this highly planned and distinctive street frontage. The suggested revisions to the upper recessed floors, the NW element and the other design refinements in the suggested conditions outlined above, would ensure that the development would positively contribute to the character and appearance of the ACA, as it would introduce a significant quantum and wide range of new uses which would help to restore the functional and civic importance of the street, while also maintaining and enhancing its appearance.

- 8.9.79. The proposed development would also result in the comprehensive regeneration of this underutilised and neglected area in the heart of the city as envisaged in the Guiding Principles for Key Opportunity Site 1 of the SDRA10 for the North-East Inner City Regeneration Area. It would positively contribute to place-making by enhancing permeability and the public realm, and by introducing an array of active ground floor uses which would enliven and animate the streets and lanes during the day and night. It would create quality connections through the site, linking O'Connell Street with Moore Street, Parnell Street and Henry Street via the interlinking laneways. It would also bring buildings back into use and encourage a through flow of people through the laneways making it an attractive, desirable and safe destination.
- 8.9.80. It is considered, therefore, that the proposed development is generally in accordance with the key planning policy objectives for the area (as summarised in 6.0 above) in terms of reinstating the civic and cultural importance of O'Connell Street as the city's premier street, whilst respecting the character of the ACA and regenerating this underutilised area which has been in decline for a considerable period of time. It would introduce high quality architectural buildings alongside the retained and restored facades, including the iconic Carlton cinema, together with a newly imagined public realm which will respond sensitively to the cultural and historic significance of the area, subject to the revisions outlined above.
- 8.9.81. Notwithstanding the general compliance with these policies, the proposed development introduces two new buildings of significant height, density and scale which deviate from the established pattern of development at this location. As such, an assessment in terms of the appropriateness of the height, density and scale of the development in accordance with the Building Height Guidance at national and local level is also required.

8.10. Height, Scale and Density of Development

8.10.1. The proposed development represents a significant intensification of development in terms of density, height and scale over the prevailing context, which would contribute to the goal of achieving more compact growth and urban intensification as advocated for in the **National Planning Framework, the RSES** and the **Urban Development and Building Height Guidelines for Planning Authorities (2018)**. It would also be generally consistent with **CDP policies** such as -

SC10 – promoting appropriate densities and sustainable communities

SC11- In alignment with the Metropolitan Area Strategic Plan, promoting compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on brownfield lands on public transport corridors, subject to certain criteria.

SC14 – Ensure a strategic approach to building height in accordance with the building Height Guidelines (SPPR 1-4).

SC15 – support adequate mix of uses in larger scale developments where increased height is proposed (in accordance with SPPR 2).

SC16 – recognise the predominantly low-rise character of Dublin City whilst also recognising the potential and need for increased height at appropriate locations, whilst seeking a balance between protection of amenities/environmental sensitivities and the established character.

SC17 – protect and enhance city skyline, ensure proposals for increased height positively contribute to urban character, respond sensitively to historic city centre and have regard to performance criteria in Appendix 3

8.10.2. These policies, and other related policies, are summarised above at 6.0.

Urban Development and Building Height Guidelines (2018)

8.10.3. There is a general presumption in favour of increased building height in city centres/urban areas with good public transport accessibility. However, this is subject to the principle (3.1) that the proposal is generally in line with the requirements of the Development Plan in force, provided that such a Plan has taken account of the Building Height Guidelines (Chapter 2). SPPR 3 relates to the **Development**

Management Criteria (3.2) set out in the guidelines to be taken into account in the assessment a planning application. Thus, a proposed development must satisfy the criteria (i) at the scale of the relevant city/town, (ii) at the scale of the district/neighbourhood/street and (iii) at the scale of the site/building. SPPR 3 states that, where it is clearly demonstrated that the proposed development complies with these criteria, and where the P.A. concurs, taking account of the wider strategic and national policy parameters, permission may be granted even if it contravenes the Development Plan.

8.10.4. The Planning Report which accompanied the application (October 2022) included an assessment of the proposed development against SPPR 3 (8.7.4). It was considered that at the '*Scale of the City*', the site is strategically located in the heart of the city centre, well served by public transport (Luas and Bus and future Metrolink) with high capacity, frequent service and good links to other modes of transport. It was also considered that it would successfully integrate into and enhance the character and public realm of the area as demonstrated in the Masterplan and individual site Architectural Design Statements and in the Landscape and Visual Impact Assessment. This issue has been discussed in detail above. It was further considered that it would make a positive contribution to place-making, incorporating new streets and public spaces and responds well to the scale of adjoining development and creates visual interest in the streetscape. This is achieved mainly by maintaining the existing street structure, by selective height modulation, reducing height at the street edges and by recessing the upper floors together with careful choice of materials and architectural expression.

8.10.5. At the '*Scale of the District/Neighbourhood/Street*', it was considered to make a positive contribution to the area by introducing a viable mix of horizontal and vertical uses at appropriate densities. It was stated that the urban design approach avoids a monolithic structure and retains the urban grain of the area by retaining the street structure around the perimeter block but reduces the scale and massing of the block by introducing a new street with active frontages. It was further considered to positively contribute to legibility and permeability with a good mix of uses which would reinforce and augment street frontage activity.

8.10.6. At the '*Scale of the Site/Building*', it was submitted that the building height strategy ensured appropriate height modulation and varied building height across the block

which would facilitate adequate sunlight/daylight penetration into the upper levels of the buildings as well as the existing and new streets.

8.10.7. The current **Dublin City Development Plan (2022)** was adopted after the Building Height Guidelines (2018) came into effect, and guidance is provided in the new Plan, **(Height Strategy, Appendix 3)**, on how to achieve appropriate and sustainable compact growth and to ensure consistency with the Urban Development and Building Height Guidelines. Appendix 3 provides guidance on appropriate locations for increased **height** and **density** within the city. It also contains a set of **performance criteria** (Table 3) which must be met in circumstances where significant increased height and density over the prevailing context is being proposed. The purpose of these criteria is to ensure that a form and intensity of urban development is achieved that contributes to the overarching objectives of the Plan to create sustainable communities and high-quality places for people to work and live and to protect existing amenities and the natural and historical assets of the city. Effectively, these criteria incorporate and expand on the Development Management Criteria in the Building Height Guidelines. An assessment of how the proposed development complies with these criteria will be undertaken below.

8.10.8. At a strategic level, Dublin City is described as being predominantly low-rise (3.1), with a need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historical importance. Opportunities for height will be promoted on sites identified in Section 4 (Appendix 3) and in accordance with performance criteria. The key locations identified (4.1) include the City Centre and Inner Suburbs (within the Canal Ring), Strategic Development Regeneration Areas, Key Opportunity Sites and areas close to high frequency public transport. As the site is located in the heart of the city centre, within SDRA 10 – NEIC where the Dublin Central lands are identified as a ‘Key Opportunity Site’ and is served by high capacity/high frequency public transport, it is considered to be in a location where increased density and height could be considered.

8.10.9. In terms of City Centre locations, it is stated (4.1) that -

“A default position of 6 storeys will be promoted subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining the inner-city residential communities. Where a

development abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities.”

Reference is made in respect of SDRAs to the Guiding Principles set out in the CDP (Chapter 13). In **SDRA 10**, (13.12) it is envisaged that regeneration of underutilised sites will enable additional height to be absorbed, and height guidance is provided for key development sites including Dublin Central lands, subject to the proviso that where there is a significant increase in height and density over the prevailing context, it must accord with the performance criteria in Appendix 3.

8.10.10. Table 2 sets out the density standards - Indicative Plot Ratio and Site Coverage - for the different areas of the city. The relevant standards for the Central Area are PR 2.5-3.0 and SC 60-90% and for Conservation Areas, PR 1.5-2.0 and SC 45-50%. It is noted that Site 2 has a stated Plot Ratio of 2.7 and a Site Coverage of 85%. I would agree that the density of the proposed development is generally consistent with the standards for the Central Area. However, given the site’s location within a highly sensitive heritage environment, including the presence of several Protected Structures within and adjoining the site and its location within an ACA which is subject to specific guidance in terms of scale and architectural design of development, it is considered that the proposed density is greater than would normally be considered in such a sensitive location.

8.10.11. It is considered that the prevailing context is markedly different in terms of density and height to that proposed. The predominantly underused and vacant lands on Site 2, which are characterised by 2-4 storey buildings with low site coverage and plot ratios, would be replaced by buildings of significantly greater density and height of predominantly 6-8 storeys, reducing to 4 storeys at the street edge. Moore Lane is low-rise and service-oriented in character. The footprint of the proposed buildings would also extend continuously from O’Connell Street through to Moore Lane. Thus, the height and density of the proposed development is significantly greater than the prevailing context, and as such, should be assessed in accordance with the performance criteria set out in Table 3 (Appendix 3).

8.10.12. Table 3 sets out 10 performance criteria, against which the proposed development is now assessed:

1. To promote development with a sense of place and character

It is considered that the proposed development is generally respectful of the character and scale of the O'Connell Street streetscape in that the historic facades are retained and restored, and the infill buildings complement the established frontage buildings. However, as discussed in the previous section (8.9), the taller elements at the rear significantly exceed the height of the O'Connell Street parapet line, which would affect the character of the street.

The maintenance of the existing urban street structure in terms of the alignment of the interconnecting lanes also respects the historically and culturally sensitive environment. The construction of two independent buildings of a high architectural quality, separated by a new pedestrian street, lined with active frontages and linked to new public spaces, would create a new sense of place of a high-quality design and an enhanced public realm, which is generally respectful of the historic environment.

The building height rises towards the west together with an increasing intensity of use, which means that the traditionally low-rise and industrial/servicing character of Moore Lane would be transformed by the proposed development. However, as the historic layout of the lanes remains intact, the new more intense development would rejuvenate these underused backstreets with a new sense of place and character. Although the height of the buildings along the Moore Street elevation is significantly increased from 1-2 storeys to 6-8 storeys, the proposed modulation of the elevations and varied height prevents them from becoming monolithic structures.

The character of the O'Connell Street streetscape is largely preserved by the design and scale of the new frontage development when viewed from the adjacent street level, as the established parapet heights are maintained. The maintenance of the height and scale of these parapets is critical to the protection of the character of O'Connell Street, as set out in the O'Connell Street area-specific guidance documents.

However, when viewed from the opposite side of the street and further to the east (e.g. Cathal Brugha Street, Parnell Monument), it is considered that the recessed taller elements of Site 2C (particularly the NW corner) are

excessively large and visually obtrusive and therefore fail to respect or complement the historic protected structures along the street frontage. This would militate against the preservation of the character of the streetscape. (This issue will be discussed further below). Otherwise, it is considered that the proposed development generally meets this objective.

2. To provide appropriate legibility

It is considered that the architectural design, scale and use of materials helps to integrate the new infill buildings fronting O'Connell Street into the streetscape and simultaneously introduces a new contemporary design which contributes positively to the legibility of both the street and the proposed development. In addition, the proposed layout with the provision of a new East-West street and a significant increase in the level of active frontages at street level throughout the development, is likely to reinforce the role and function of the streets and lanes and enhance permeability.

As previously discussed, (8.9), a key objective for the area is to ensure that the legibility of the 1916 Easter Rising Battlefield is retained and enhanced. The CO had expressed concern that the removal of 60a O'Connell Street, the widening of the junction of Henry Place and Moore Lane and the lack of appropriate demarcation of the evacuation route, combined with the significant increase in scale of buildings along Moore Lane, would jeopardise the achievement of this objective. However, it is considered that this matter could be resolved by revisions to the public realm enhancement as set out in the P.A. Condition 5 (ix), (x) and (xi), and as discussed above.

As such, following such amendments, it is considered that this objective would be met by the proposed development.

3. To provide appropriate continuity and enclosure of streets and spaces

The proposed development would provide an enhanced urban design context for public spaces and key thoroughfares by introducing a new E-W pedestrian street leading to a centrally located civic square and onwards to Moore Street markets. The new thoroughfare would open up a currently impenetrable block enticing pedestrians into streets, laneways and public spaces with a human

scale and with sufficient surveillance and animation to create attractive and safe public spaces.

It is noted that the CO had raised concerns regarding the proposed pocket park, as it was considered that the sense of enclosure provided by the existing buildings and narrow lane width would be lost and the demarcation of former building lines was insufficient to retain any sense of that enclosure.

The revisions required by P.A. condition 5 (xi-ix) would, however, address this as discussed above. It is considered that the pocket park, which would be bounded by the Reading Room and the entrance to the offices would be adequately enclosed, subject to such revisions.

It is considered that the proposed development would meet this objective.

4. To provide well connected, high quality, active public and communal spaces

The proposed development of Site 2 would result in a significant enhancement of the public realm which would prioritise pedestrians, cyclists and public transport. The streets and lanes would be pedestrianised and landscaped to a high standard incorporating restored historic surface materials at key locations. The proposed buildings incorporate substantial safe bicycle parking facilities (512 no.) with ease of access.

The layout incorporates strategically located entrances to the office buildings and to the future Metrolink station which are designed to draw pedestrians through the network of streets, lanes and public spaces. The siting of shops, cafes and restaurants along the pedestrianised spaces together with the sunny aspect of the civic squares is also likely to encourage people to dwell there. The public and communal spaces would be of a high quality.

This objective can therefore be considered to have been met.

5. To provide high quality, attractive and usable private spaces

The design of each of the proposed buildings incorporates plentiful and attractive private open space in the form of landscaped courtyards, terraces and loggias, together with light-filled central atria which are accessible and inviting. The proposed layout of the buildings also ensures that the office

spaces would receive high levels of natural light and much of the floorspace overlooks attractive external spaces within or outside the buildings.

Thus, this objective can be considered to have been met.

6. To promote a mix of use and diversity of activities

The proposed development of Site 2 provides for a wide range of uses. It does not include residential development but incorporates an appropriate mix of uses including ground floor retail and restaurant/café uses with a substantial level of office accommodation on the upper floors. The appropriateness of the predominantly office space and retail/restaurant uses was previously discussed at section 8.4 above, when it was concluded that these uses are consistent with the policies and objectives contained in Chapters 6 and 7 of the CDP, as they provide for high quality office /employment uses in the city centre and reinforce the retail core function of O'Connell Street and environs, which are key objectives of the Plan.

The 2022 Development Plan has also introduced new policies designed to retain and expand cultural and community uses in the city centre. In particular, Objective CUO25 seeks the provision of 5% community, arts and culture space within developments in an SDRA where the floorspace exceeds 10,000m² in area. Objective CUO26 also requires that existing cultural/community space which is lost through demolition must be replaced.

The degree to which these requirements have been addressed has previously been discussed in Section 8.4 above. It was concluded that the proposed development did not comply with these objectives as the quantum of floorspace required by each of these objectives was not provided within Site 2 and that there was an over-reliance firstly, on outdoor space as opposed to internal space (as specified in Obj. CUO25), and secondly, on the provision of mainly external space in the public domain across the Masterplan site in order to fulfil the requirements.

Apart from the requirement to provide a certain quantum and type of cultural/community spaces, the proposed development would provide for a good range and diversity of uses, in accordance with this objective.

7. To ensure high quality and environmentally sustainable buildings

As noted previously, Buildings 2AB and 2C have been designed to take advantage of solar gain and to ensure plentiful levels of natural daylight and sunlight reaching the proposed offices and associated external spaces. The design of the ground floors where they front onto streets and public spaces have also taken full advantage of the southerly and westerly aspect in the siting and orientation of proposed cafes and restaurants. The application was accompanied by a Sunlight and Daylight assessment which will be discussed further below.

Furthermore, reports in which the surface water management strategy for the development, including nature-based SUDS solutions and public surface water infrastructure provision, as well as a Site-Specific Flood Risk Assessment and sustainability reports assessing the embodied carbon impacts have been submitted and are discussed further in other sections of my report. It is considered, therefore, that the proposed development has been designed to ensure that the proposed buildings are of a high quality and are environmentally sustainable.

It is considered that this objective would be met by the proposed development.

8. To secure sustainable density, intensity at locations of high accessibility

As previously noted, the site is located in a highly accessible location with existing access to a wide variety of public transport systems including the Cross-city Luas and several bus routes which travel along O'Connell Street. In addition, the proposed development incorporates the structural box which will facilitate the provision of the future O'Connell Street Metrolink station with station entrances at both O'Connell Street and Moore Lane.

It is considered, therefore, that the proposed development meets this objective.

9. To protect historic environments from insensitive development

Section 6.0 of Appendix 3 (CDP) states that developments of significant height and scale are generally not considered appropriate in historic settings,

including ACAs and where the setting of a Protected Structure would be seriously harmed by the inappropriate location of such a proposal. It is stated that new development should not have an adverse impact on a protected structure or its curtilage or on a national monument in terms of height, scale, massing, alignment and materials.

It has previously been noted that the extent of demolition is very significant for a site in such a sensitive historic setting, whereby the site incorporates and adjoins several protected structures and a national monument and is situated within an important ACA. Justification has been provided, however, for the extent of demolition on the basis of the design/construction requirements and need to facilitate the future Metrolink station and the extent of demolition previously permitted on these lands. Notwithstanding this, the conservation strategy of the proposed development is considered to respond sensitively and appropriately in terms of the historic facades on O'Connell Street which are to be retained and restored. Furthermore, the design of the new buildings would ensure that they would be integrated into the streetscape, with the new buildings generally respecting the established parapet heights with the taller elements recessed behind the building line.

However, the recessed elements of 2C are highly visible above and behind the parapets of the frontage buildings on O'Connell Street, when viewed from the east and north-east. This detracts from the setting of the retained protected facades and the buildings which contribute to the character and appearance of the ACA. The NW section, in particular, is excessively prominent to the rear of the Protected Structures at Nos. 42, 43 and 44 O'Connell Street Upper, particularly from the opposite side of the street (e.g. VP 5 and 5a). It is considered that the scale, height and massing of this NW section overwhelms and dominates views towards the Protected Structures and forms a discordant feature in the townscape at this sensitive location in the O'Connell Street ACA. In particular, it would have a detrimental impact on the setting of No. 42 O'Connell Street Upper, which is the last surviving Georgian house on what was Sackville Mall and would have an adverse impact on the character of this part of the O'Connell Street ACA.

[I would refer the Board to section 8.9 above, where this issue is discussed in detail and to Section 3.5 of 'Dublin Central Site 2C Architectural Design Statement (Sep. 2022), as amended by the RFI Response document (Grafton Architects May 2023)].

As previously discussed (8.9), the CO had remained concerned following receipt of RFI (July 2023) in terms of the detrimental effect of the height, scale and massing on the historic environment, and had recommended the removal of the plant area combined with a height reduction of 2 storeys across Block 2C. I had also concluded that the height, scale and massing of 2C, particularly the NW element, would have a detrimental effect on the setting of the Protected Structures and of the character of the ACA. Although I did not agree that the omission of two floors was necessary, I had recommended the omission of one storey, as well as the plant/equipment area (Level 08) and of the associated loggia.

In terms of the National Monument (14-17 Moore Street), it should be noted that although it is excluded from the Dublin Central lands, the overall site wraps around the site of the National Monument. Site 2, however, is located on the opposite side of Moore Lane and the section of the proposed development closest to the National Monument is Site 2AB. This proposed building rises to 6 storeys overall, but the Moore Lane elevation facing the National Monument is reduced further and the elevation is modulated to reduce its massing. It is considered that the design and architectural expression of the western elevation of the 2AB building would be respectful of the setting of the National Monument and would not be detrimental to its setting.

In conclusion, it is considered that overall, the proposed development is successful at protecting the historic environment from insensitive development apart from the height, scale and massing of 2C particularly the north-western section of the building, which is considered to be excessive and is exacerbated by the associated loggia/terrace and roof-top plant and equipment.

Subject to the amendments discussed above, it is considered that this objective would be met.

10. To ensure appropriate management and maintenance

The management of the public/communal areas, waste management measures and the servicing plan will be discussed below.

Conclusions regarding Height, Scale and Density of Development

- 8.10.13. **In conclusion**, it is considered that the proposed development is strategically located in a highly accessible location on brownfield lands in the city centre which has been designated as a Key Opportunity Site in a strategic regeneration area. As such, this is a location that would be favoured for increased height and density in both the Urban Development Building Height Guidelines (SPPR 3, Scale of the City) and as a key location in the P.A.'s Building Height Strategy (Appendix 3 of the CDP). At the scale of the neighbourhood, the significant increase in permeability, legibility and distribution of active ground floor uses, whilst retaining the urban structure, would also be consistent with the promotion of increased height. At the scale of the site/building, the proposal would be in accordance with the Masterplan for the area, would result in high quality buildings and the design would generally modulate the increased height and scale apart from the upper recessed floors and one element of the 2C block.
- 8.10.14. The proposed development would substantially comply with most of the performance criteria set out in Table 3 (App. 3 CDP), with the exception of Key Objectives 1 and 9. This is due to the height, scale and massing of the 2C building which is considered to be excessive and design of the loggia in the NW corner, which accentuates the adverse effects. I consider that it would fail to respect the existing character of this planned and historic streetscape, would detract from the coherence of the urban block and would be inconsistent with the policy guidance as referenced above. As such, the loggia and associated terrace should therefore be omitted, with a reduction in the height of the building by the removal of 1 floor and the relocation of the roof-top plant, equipment and omission of the associated enclosure to a less sensitive part of the building and site.
- 8.10.15. It is further considered that Objectives 2 and 3 (legibility and sense of enclosure) could be met by some revisions to the public realm of the rear lanes, such that the

plot lines and boundaries of the historic buildings to be removed are adequately demarcated within the refurbished ground surfaces. In respect of Objective 6 (mix of uses), this objective is largely met and the specific requirements regarding community/cultural uses could be met by increasing the quantum of internal space to accommodate these uses.

8.11. Transportation

8.11.1. Transportation issues are addressed in a range of documents submitted with the application, some relating to the development of the overall Dublin Central lands (Masterplan) and some relating specifically to Site 2.

I refer the Board to the following relevant documents -

- Transport Assessment – Volume 2: Site 2 (Waterman Moylan)
- Transport Assessment – Volume 3: Overall Development (Waterman Moylan)
- Travel Plan, Second Edition (Site 2) September 2022 (Waterman Moylan)
- Additional Information Response Site 2 (July 2023) (Waterman Moylan)
- Dublin Central – Site 2 Servicing Management Plan SWECO (Revision 6.0)
- Dublin Central Masterplan Revised Servicing Strategy SWECO (Rev. 8.0)
- EIAR Chapter 13
- Outline Construction and Demolition Management Plan - Site 2 – Sept. 2022, and Revised OCDMP for Site 2 - May 2023 (Waterman Moylan)
- Preliminary Construction Traffic Management Plan Sept. 2022 (Waterman Moylan)
- Dublin Central Masterplan Response to Site 2 Further Information Request Item 1 (Programme) CERTO (June 2023)

Traffic Assessment and Surveys

8.11.2. The TA (Vol 2) states (3.1) that due to the restrictions imposed by Covid-19, it was not possible to carry out a traffic survey for this TA. However, reference is made to historic traffic surveys dating back to 2008, to an annual Canal Cordon survey at 33 locations, a TII Traffic survey carried out in 2018 and a Dublin City Council Survey in

2020. I consider that these surveys provide a reasonable representation of the prevailing vehicular and traffic environment in the vicinity of the site. The traffic modelling is based on the City Council survey.

8.11.3. Third party objections referred to the lack of up-to-date traffic and pedestrian surveys and a comprehensive traffic plan for the masterplan area. As noted above, however, the application is accompanied by a suite of documents setting out the traffic management strategy for the site and the masterplan area. The Traffic Assessments are based on surveys and modelling which reflect the current baseline conditions and predict the likely traffic generation from the scheme based on standard procedures. The traffic surveys are considered to be adequate, and I note that the P.A. Transport Division raised no objections to the surveys or the junction analysis. As the proposed development includes very little on-site parking, the main traffic impacts are likely to be during the construction phase and in relation to servicing. These matters will be discussed further below.

8.11.4. The TA (Vol 2) states that due to Covid-19 restrictions, pedestrian movement surveys were not carried out. However, between 2008 and 2020, several pedestrian movement studies were carried out which were referenced. The pedestrian surveys which were carried out by Space Syntax (2018) and Dublin City Council (2019, 2020) presented in Figure 8 show the baseline pedestrian flows, which exclude the reductive impact of the Covid-19 restrictions.

8.11.5. The main findings were that the lanes to the rear of the shopping streets are characterised by very low usage levels and that the large urban block is impermeable. These conclusions seem reasonable and reflect the lack of active ground floor uses currently on these lanes. No evidence has been submitted to counteract the findings of these surveys.

Car parking

8.11.6. The application as originally submitted proposed the provision of 32 car parking spaces in the basement of Site 2 (combined underneath Sites 2AB and 2C) and accessed via a ramp from Moore Lane. This includes one accessible space and there is a further accessible space provided for on O'Rahilly Parade, which would be publicly available. It is noted that this is the only parking proposed to be provided on

the Dublin Central lands, as no parking is proposed on Sites 3, 4 or 5. The RFI (July 2023) reduced the proposed car parking provision to 27 spaces.

8.11.7. The application was submitted when the 2016 CDP was in place, but the 2022 CDP came into effect in December 2022 and is now the relevant Plan. The car parking standards have been altered significantly in the new Development Plan in respect of office developments. It is noted that the proposed development would have required a maximum of 84 car spaces for the proposed office floorspace under the 2016 Plan, but under the 2022 Plan, there is no requirement for car parking, save for accessible spaces and car shares, with the quantum being determined by the planning authority. The standard for retail floorspace has remained at 7 car spaces.

8.11.8. The P.A. Transportation Division stated that having regard to the city centre location and direct access to all modes of public transport and to services and amenities, there would be no objection to the non-provision of parking save for car-shares and accessible spaces. The P.A. had raised concerns that the 'Target Modal Split' (3.3 of Travel Plan Second Edition) had referred to residents' journeys and that at 4.4 of the Travel Plan, Dublin Central 'would maintain a policy which would set out the parameters for use of pool cars and eligibility of parking on site'. The P.A. Transport Division was concerned that this raised questions regarding the assignment of parking within the development as firstly, there is no residential element within Site 2 and secondly, no spaces should be assigned to offices (to comply with the CDP).

8.11.9. In response to an **FI request** to clarify the assignment of spaces, the applicant advised that the parking provision on Site 2 is to serve the entire Masterplan area, including offices, hotel, retail and residential. The parking provision has been reduced from 32 to 27 in order to increase the number of bicycle spaces. It is clarified that the reference to residents is in the context of the Travel Plan for the overall lands and that not all people who are forecast to drive will park in the proposed car park. In this respect, reference is made to the public car parks in the area. It was also clarified that a small number of business, staff and pool cars may have access to the proposed car parking spaces, but as such, the end occupiers, employers, staff travel needs and trip characteristics are not yet known.

8.11.10. Notwithstanding these clarifications, it is considered that confusion still remains regarding the assignment of parking, and it is not clear if car parking spaces are

intended to be assigned to office staff. The Transport Division requested that details of the operation/assignment of parking spaces be provided as part of a revised Mobility Management Plan by way of condition. Given the revised parking standards for offices in the 2022 CDP, however, it was considered that any assignment of spaces to offices (other than pool cars/accessible spaces) would be unacceptable. Should the Board be minded to grant permission, a similarly worded condition should be attached to any such permission to ensure compliance with the revised parking standards in the 2022 CDP.

Cycle parking

- 8.11.11. The P.A. Transport Division noted that 372 cycle spaces were proposed, which was based on the anticipated population of the development. It was acknowledged that although this complied with the overall provision required under the 2016 CDP, there would be a significant shortfall under the 2022 CDP, which requires 514 spaces. This, together with a requirement to make provision for recharging facilities for E-bikes, formed **Item 4(b)(i)** of the **FI Request**. The applicant responded by increasing the cycle parking provision by 38% from 372 to 512 spaces. It was also noted that there are a number of Dublin Bike Stations in the vicinity.
- 8.11.12. It was also proposed that a provision of electric charging for 5% of the cycle parking spaces will be made available in accordance with the CDP requirements. The Transport Division was satisfied with the revised cycle parking facilities. I would agree that the cycle parking provision is satisfactory and as revised, is in accordance with the Development Plan requirements.

Access and Servicing Strategy – Operational Phase

- 8.11.13. Servicing Management Plans for Site 2 and for the Masterplan, respectively, were submitted with the planning application. At present, the buildings that occupy Site 2 are mainly serviced by means of Moore Lane. I note that Moore Street to the north of O'Rahilly Parade currently has two-way access on a 24-hour basis, while the section to the south of O'Rahilly Parade has restricted delivery between 6am and 11am. Outside of these times, Moore Street is a pedestrian zone.
- 8.11.14. Existing loading and servicing activity was analysed using the surveys undertaken on a Saturday in September 2018 and a Tuesday in October 2018, which it is considered, reasonably reflect the pre-Covid period (3.3 of SMP). The existing

constraints arising from these conditions are set out at 3.2 of the Site 2 Servicing Management Plan (SMP). O’Rahilly Parade and Moore Lane (south) currently provide for two-way traffic on a 24-hour basis, with one-way southbound on the section of Moore Lane to the north of O’Rahilly Parade. However, O’Rahilly Parade is quite narrow (5.6m wide, max.) with narrow footpaths and double yellow lines, and Moore Lane (5.0m wide) has double yellow lines with no loading bays and intermittent footpaths.

- 8.11.15. As there is no service access between O’Connell Street and Moore Lane, the service activity on Moore Lane is relatively high currently with traffic regularly travelling against the one-way restrictions. Several junctions are too tight to facilitate goods vehicles turning without sweeping over footpaths. Henry Place is too narrow (4.2m) for servicing at present apart from by non-goods vehicles. Thus, 10m rigid vehicles cannot currently turn into Henry Place from Henry St. without sweeping over the full width of Henry Street. O’Rahilly Parade is also restricted at the eastern end and LGVs cannot turn right onto Moore Lane, and therefore travel north against the ‘no-entry’ restriction. The pedestrian environment is very poorly catered for with lack of continuous footpaths, narrow footpaths and conflict with service vehicles.
- 8.11.16. Given the relatively low level of parking provision on site, combined with the central and highly accessible location of site 2 by a variety of modes of travel, it is anticipated that vehicle trip generation from Dublin Central will be very low. This would equate to 45 arrivals and 29 departures in the AM peak and 10 arrivals and 28 departures in the pm peak (Masterplan area), with deliveries accounting for 17 in the AM peak hour (each way) and 2 in the PM peak hour (each way). **Site 2** would account for the majority of the car arrivals (20 AM peak) and departures (20 PM peak).
- 8.11.17. The servicing and delivery arrangements are set out in Section 5 of the SMP (Site 2). Servicing will be restricted to 6am and 11am Monday-Sunday on Moore Lane (south of O’Rahilly Parade), on Henry Place and on the new East-West link. Servicing and deliveries will take place on a 24-hour basis Mon-Sun. on O’Rahilly Parade and Moore Lane, north of O’Rahilly Parade. The section of Moore Street between Parnell Street and O’Rahilly Parade will continue to operate two-way as existing.

8.11.18. At the northern end, goods vehicles can either enter via Moore Street or the East-West new street. Goods vehicles will travel south from Parnell Street via Moore Street, turn left onto O'Rahilly Parade and turn left again onto Moore Lane. Alternatively, during the morning delivery period, they can travel from O'Connell Street via the new link to Moore Lane. At the southern end, goods vehicles (up to 8m) will enter Henry Place from Henry Street and either travel on to Moore Street or travel northwards up Moore Lane.

8.11.19. The proposed servicing strategy will necessitate the following re-ordering of roads in the vicinity:-

- Extend existing pedestrian zone restriction outside of 6am-11am to include Henry Place, Moore Lane (south of O'Rahilly Parade) and East-West new street. This is intended to improve the pedestrian environment.
- O'Rahilly Parade to be widened to 6.5m and to include a loading bay (48m) on south side and to be one-way only, West to East. A 2m wide footpath is proposed on the southern side, with the existing kerb alignment retained on the northern side.
- Moore Lane to become one-way northbound 6-11am and pedestrianised outside of these hours, with a loading bay on east side (24m).
- Henry Place to become one-way northbound 6-11am and pedestrianised outside of these hours.

8.11.20. Deliveries will be undertaken in rigid trucks and vans, using the loading bays and on the streets. Vehicles up to 10m in size will be able to access the site via the East-West street before 11am each day. The East-West street will also function as an emergency access. Waste collection will use the same facilities and access arrangements as for service and delivery.

8.11.21. Improvements include the addition of two new loading areas on the corner of Moore Lane South and Henry Place with widened carriageway sections at this location to aid movement for vehicles up to 8m in length up to 11am daily. These loading areas will be used to service Site 2AB occupiers and occupiers of local properties and will be accessed via Moore Lane South and Henry Place after 11:00 AM. A permanent delivery hub within Site 5 is also proposed at the junction of O'Rahilly Parade and

Moore Street to cater for deliveries after 11am. This is intended mainly for Sites 2AB, 3 and 4, as these sites are not in close proximity to a 24-hour loading bay.

- 8.11.22. The loading areas along O’Rahilly Parade and Moore Lane North would operate 24 hours a day. Other measures include a loading bay on the existing Coach Bay on Upper O’Connell Street (until 8am), a new loading bay on Henry Place to the rear of No. 60 O’Connell Street Upper and a new loading bay on Moore Lane to the rear of Nos. 59 and 60 O’Connell Street Upper. These are intended to facilitate the serving of the northern and southern areas of the site.
- 8.11.23. The SMP indicates that there would be a total of 58 deliveries per day, 10 of which would be via the delivery hub, and 24 for each of Sites 2AB and 2C. The deliveries for Site 2C would be via O’Rahilly Parade and Moore Lane and are anticipated to be on average, 2 deliveries per hour on a 14-hour operational day. The expected deliveries for Site 2AB are split with 16 at the northern end and 8 at the southern end. This would result in 6 deliveries per hour before 11am (split between the northern and southern ends) and 2 deliveries per hour after 11am. Goods will be transported from the delivery hub via tug.
- 8.11.24. The SMP has demonstrated a minimum total capacity for 27 service vehicles per hour (excluding Henry Street and Moore Street), with a 20-minute loading time restriction. It was concluded that there will be a robust level of loading provision to accommodate both the identified background servicing demands and the anticipated demand generated by Site 2.
- 8.11.25. The proposed development of Dublin Central lands will undoubtedly change the current servicing and loading arrangements in the area. This is not surprising given the scale of the development proposed in the regeneration of these lands. However, it is considered that the analysis of the likely impacts in the SMP for site 2 and for the masterplan area is quite robust. I am satisfied that reasonable access and servicing arrangements will be maintained and that it is likely that the proposed new arrangements would regularise the current irregular patterns of deliveries and travel movements, which is in the interests of all traders in the area.
- 8.11.26. It is further noted that a working group is to be established to co-ordinate deliveries, and this will comprise site management (Site 2), management of adjoining properties and market trader representatives. The working group will meet regularly to identify

any issues and to co-ordinate suitable time slots for deliveries. Servicing and deliveries for the Masterplan area will also be managed by an Estate Management Company. I note that the Transportation Planning division of the P.A. has raised no objections to the servicing arrangements or re-ordering of the streets. However, the P.A. condition requiring a review of the Servicing Strategy after 12 months is considered to be appropriate as this would allow for any changes that might occur in the meantime to public transport and/or the operation of the local road network to be taken into account in order to ensure optimum servicing access arrangements are in place to serve the area.

Construction Traffic Management

- 8.11.27. Serious concerns have been raised by third-parties in respect of the likely impacts of the construction phase on the amenity and viability of the existing commercial enterprises in the vicinity of the site and on the amenities of residential properties in the area. The concerns relate primarily to the duration of the construction period, which would involve years of noise, dust, vibration and disruption, the proposed haul route (including junction widening) and the absence of a finalised construction traffic management plan with which third parties can have a meaningful engagement. The duration of permission, which is also the subject of a first party appeal, and the impact on amenities will be discussed in subsequent sections.
- 8.11.28. As noted previously, the application was accompanied by a **Preliminary Construction Traffic Management Plan** for Site 2AB, Site 2C and 61 O'Connell Street and an Outline Construction and Demolition Plan for Site 2 (Sept. 2022 as revised May 2023), as well as an Outline Construction and Demolition Management Plan for the Masterplan area. It is noted that extensive consultations were carried out with the Roadworks Control Division of the City Council to ascertain the potential construction traffic routes.
- 8.11.29. The nature of the construction process is such that the traffic generated will comprise short periods of intense activity interspersed with longer periods with relatively low level of truck movement into and out of the site. In addition, the various activities will occur at multiple locations around the site giving rise to a need for multiple access points for construction traffic. The predicted traffic movements will vary from month to month, but it is assumed in the construction traffic modelling that the same peak

level will occur irrespective of the number of sites within the masterplan area that are under construction at any one point in time. This will provide a worst-case scenario of 10-hour days, Mon-Fri and 20 days per month.

- 8.11.30. In respect of the overall lands, there are three periods when intensive activity is likely, namely, demolition, excavation and erection of structural frames/cladding. However, for Site 2, the single largest activity in terms of truck movements will be excavation for Site 2, including the Metro Enabling Works (MEW). The total volume is expected to be 133,565 cubic metres, comprising 25,242 cubic metres for the basement and 108,323 cubic metres for the station box, which is expected to take 12 months. The excavated material will be removed in 32 tonne trucks, and it is estimated that it will require an average of 67 truck arrivals and 67 departures per working day, or 7 no. arrivals/departures in the AM peak hour. However, the construction programme anticipates that other construction work within the overall lands will be ongoing simultaneously, (e.g. fit out of sites 3 and 4), which would increase the rate of arrivals/departures to 12 no. in the AM peak hour. It is estimated that between 65 to 95 arrivals and 65 to 95 departures per day are predicted.
- 8.11.31. Two haul routes to the site via Parnell Street have been identified. The first is via Summerhill and Parnell Street and the second is via Dorset Street and Dominick Street Lower. Inbound access for the majority of construction vehicles will be from Parnell Street to Moore Street/O'Rahilly Parade with outbound traffic from Moore Lane to Parnell Street. No construction traffic is proposed on Moore Street between Henry Street and O'Rahilly Parade, due to the constraints imposed by pedestrianisation and the presence of on-street trading. It is stated that the contractor will be required to keep access to existing properties along Moore Lane and Henry Place at the times currently available/permitted or as otherwise may be agreed. It is assumed that there will be no construction car parking on site.
- 8.11.32. The preferred option was selected on the basis of a number of local constraints including:
- The lack of a stacking lane on Parnell St. in advance of the left turn into Moore Lane, should there be a delay entering Moore Lane for whatever reason.

- The restricted width on the left turn from Parnell St. around Conway's public house into Moore Lane, which could cause delays due to the slow deliberate turning for vehicles across a busy restricted area.
- The relatively easy right (and left) turns from Parnell St. to Moore St.
- The availability of a stacking area for the right (and left) turns from Parnell St. into Moore St.

8.11.33. Local traffic management on Moore Lane would require the presence of temporary traffic signals and or flagmen at different locations and at different times to facilitate vehicles passing depending on the movements in progress. Localised upgrades to the road network will be required to enable articulated and other large vehicles to access the site where there is insufficient turning width at present and to minimise the risk of construction traffic queuing back onto Moore Street and Parnell Street. Local junction widening will be required at either end of O'Rahilly Parade and local carriageway widening midway along Moore Lane. This will involve relocation of exiting street furniture, removal of the depot boundary wall and realignment of kerbs.

8.11.34. The traffic impact assessment found that the estimated construction traffic movements would represent 1% of the peak flow on Parnell Street, per hour each way. The traffic generated would therefore be significantly below the 5% threshold over which a transport assessment would be required. Notwithstanding this, the application was accompanied by a traffic assessment using the computer program, TRANSYT, which modelled the operation of Parnell Street between O'Connell Street and Dominick Street. Four junctions were modelled, with the greatest changes at Junction 1 (Parnell Street East) and at Junction 4 (Dominick Street North), but both would continue to operate within capacity during the AM peak hour. It was concluded that there would be no significant change in the performance of any junction due to the inclusion of construction traffic, and hence no significant impact on the local road network was predicted.

8.11.35. The most significant impacts of concern raised related to the exclusion of third parties from the details of the preliminary traffic plan, the impact of the haul route on existing businesses on Moore Street and the proposed junction widening outside Troy's Butchers shop (opposite the corner of O'Rahilly Parade and Moore Street). There was concern that the construction vehicles turning the corner at this junction

would damage the shop front and/or canopy over the shop, interfere with customers entering/leaving/queuing at the shop and result in the spillage of cement, rubble etc.

8.11.36. I note that the P.A. had responded to these objections by stating that the Preliminary Traffic Management Plan is designed to evaluate the feasibility of the construction of the development, which is required at an early stage, but once the contractor is appointed, the detailed CMTP would be finalised and agreed. Thus, the preliminary document would form a guide for the preparation of the detailed plan. As part of this process, it will be necessary for a Demolition and Construction Management Plan to be agreed with the developer and ongoing consultation will occur throughout, as this will be a 'live document'. The final decision in relation to construction traffic routes and local traffic management will be agreed between the appointed contractor and the City Council and subject to further processes such as road opening licenses, prior to commencement of works.

8.11.37. The appointed contractor will be required to ensure that access is maintained to all properties and that necessary controls are put in place to minimise nuisance and manage waste. Measures to mitigate nuisance are outlined in the Preliminary Traffic Management Plan (Section 8.0) and include the use of banksmen to check vehicles arriving and departing the site, wheel washes and facilities to clean local roads. It is anticipated that the Liaison Officer, who will be appointed, will be required to consult with affected property owners and occupiers, keep them informed and address any issues that might arise. The first party's response to the concerns regarding the awning at Troy's Butchers included a comment that the awning appeared to be different and larger than the one permitted by the P.A. Irrespective of whether this is the case or not, it is considered that temporary junction widening works to the junction of Moore Street and O'Rahilly Parade will require a detailed design prior to finalisation. This will not be agreed until the contractor has been appointed and, in any case, will be the subject of a Road Opening Licence Agreement, which will have regard to the concerns of adjoining property owners and businesses.

8.11.38. In conclusion, it is considered that the most significant impacts associated with the proposed development will arise during the construction phase. Given the city centre location, the sensitive historic environment and the tight urban grain of the overall lands, combined with the scale of the development and, in particular, the extent of demolition and excavation required, it is considered that the management of traffic

during the construction phase is likely to present significant challenges. This will inevitably give rise to considerable disruption and nuisance to local traders and residents, which may become a deterrent to shoppers and pedestrians frequenting the area. However, these impacts will be temporary and must be seen in the context of the wider public benefits to both the area and to the city centre which will be of great significance. In addition, mitigation measures will be put in place to minimise the disruption and nuisance to residents, businesses and visitors.

8.12. Impact on Amenities of Area

Impacts on Moore Street Market

- 8.12.1. Significant concerns were raised by third party appellants and observers regarding the likely impacts of the proposed development on the ability of the Moore Street Market to continue to trade due to the scale of the project and the duration of the construction phase. It was considered that significant disruption to trading would arise from the displacement of stalls and the traffic and environmental effects of the construction phase (noise, fumes, dust), which could contaminate fresh produce as well as deter customers from visiting the stalls. The loss of footfall would result in loss of business to displaced stall holders and to the independent store traders which rely on this market footfall. Ultimately, it was considered that the proposed development is likely to result in the death of the market and the anticipated increase in footfall was considered to be greatly exaggerated. It is claimed that the loss of the market would be contrary to the policies and objectives of the Dublin City Development Plan 2022-2028 which seek to revitalise the market.
- 8.12.2. This issue has been the subject of a Ministerial Report by the Moore Street Advisory Group (MSAG) to the Minister for Heritage and Electoral Reform (2021). It is noted that the MSAG Report had accepted that street trading on Moore Street is likely to have to cease for the duration of the construction works. However, the consultations had failed to agree a suitable site for the temporary relocation of the market. As such, MSAG supported the establishment of a compensation fund for the street traders. Considerable criticism has been made by the third parties regarding the negotiation process conducted between the traders, the City Council and the developer, with claims of inappropriate and ill-timed compensation payments which

may have influenced the outcome of the MSAG Report. This matter was discussed at 8.3 above, when it was concluded that such matters are outside of the remit of the Board, who has no role to play in any compensation fund.

8.12.3. I would agree that the proposed development, by reason of its scale and length of construction period, would be likely to disrupt the operation of the Moore Street Market to such an extent that it would have to cease temporarily or be relocated to another site during this period. Given the scale of the demolition, excavation and construction proposed to be undertaken on the site, together with the proposed haul routes, it seems that this would be an inevitable consequence of the project in the short term. I would also accept that the resultant reduction in the footfall associated with the market could have a knock-on effect on the operation of the independent traders' businesses on Moore Street. This is likely to have a significantly negative impact on these businesses, which is regrettable and unfortunate.

8.12.4. The impacts from the construction phase, will however, be temporary. More importantly, the beneficial long-term impacts to businesses, traders, shoppers and residents within this urban block and in the general area, are likely to considerably outweigh the short-term impacts in due course. At present, the area has been suffering from a prolonged period of neglect which has resulted in high rates of vacancy and dereliction combined with anti-social behaviour. It is considered that this is inextricably linked with the absence of high-quality active uses at street level, an attractive and safe public realm, the large scale of the impenetrable urban block and the lack of investment in the area for decades.

8.12.5. The proposed development will break down the impenetrable urban block creating greatly improved levels of permeability, with the significant introduction of a new pedestrianised street linking O'Connell Street with Moore Street for the first time. It will introduce attractive new streets and public squares, together with a considerable investment in large scale commercial uses at street level and on the floors above, which will draw people into the network of streets and lanes and encourage increased dwell time. The presence of the Metrolink station, which is intended to happen in due course, with entrances from both O'Connell Street and Moore Lane would have a significant attraction factor and coupled with the entrances to the offices, would help to disperse the footfall deep into the centre of the urban block. This would create a new urban quarter which would become an attractive destination

in itself within the city centre and would inevitably lead to a significant increase in footfall through the area.

- 8.12.6. Chapter 7 of the CDP highlights the importance of indoor and street-based markets such as Moore Street (7.5.6). It is stated that they add vibrancy, diversity and interest to the city as well as supporting local produce and enterprise. The regeneration of Moore Street Market is described as having the potential to provide a major visitor attraction in the city as well as local amenities for the communities they serve. Policies CCUV33 and CCUV34 are of particular relevance. **CCUV33** seeks to facilitate such markets particularly where they support existing retail offers and to realise their tourist potential. **CCUV34** states:-

To recognise the unique importance of Moore Street Market to the history and culture of the city and to ensure its protection, renewal and enhancement in cooperation with the traders, and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, the OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

- 8.12.7. It is considered, therefore, that the City Council formally recognises the unique importance of this market and the added value of such markets in terms of the role that they play in diversifying the retail offer. In addition, a process has been put in place to ensure its protection and reinstatement in cooperation with the traders and having regard to the MSAG report. Following completion of the development, it will be a matter for the local authority, in conjunction with the other stakeholders, to encourage and facilitate the re-establishment of the market.

- 8.12.8. I am satisfied, therefore, that whilst the proposed development would cause a significant and major disruption to the operation of Moore Street Market and the independent stores in the vicinity, the importance of re-establishment the market following completion of development is recognised and a process has been put in place to facilitate this. In addition, the reinvigorated and regenerated environment within which the existing businesses and market will sit is likely to significantly increase the footfall to and through the area, which will make a strongly positive contribution to the economic success of the area.

Sunlight, Shadow and Daylight Analysis

- 8.12.9. It is a requirement of both the **City Development Plan 2022** (Chapter 15 and Appendix 16) and the **Urban Development and Building Height Guidelines for Planning Authorities (2018)** that reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in the relevant guidance. The guidelines note that where a proposal may not be able to fully meet all of the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative compensatory design solutions must be set out in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.
- 8.12.10. A **Sunlight, Shadow and Daylight Analysis Report** accompanied the application, which was prepared in accordance with **BRE209, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' Third Edition (2022)**. This is the industry standard for guidance on how to design well daylit spaces and also on how new developments will impact on existing developments in the surrounding area. *[The Board should note that although the recommended standard in Appendix 16 of the CDP is the second edition of BRE209 (2011), it is stated at 3.6 of the Appendix that should a revised version of BR209 be issued in the coming years, the guidance within this new version will take precedence].*
- 8.12.11. In terms of **sunlight access to adjacent properties**, the submitted report considered that Site 2 would have 'Moderate Effects', which is defined as 'An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends'. In this context, it is stated that Site 2 would have an impact on the shadow environment directly adjacent to the site, but it is considered that this would be reasonable in this urban city centre environment and that no neighbouring residential or living space access to daylight and sunlight would be materially impacted. It is further noted that there are no existing residential units in the vicinity that would be materially affected by the proposed development and no internal daylight assessment was therefore completed.
- 8.12.12. The P.A. was largely in agreement with this assessment, but pointed out that the report did not include an additional table which had been provided in Chapter 10 of

the EIAR, relating to the impact on No. 42 O'Connell Street Upper and on O'Connell Hall, both Protected Structures, which are situated immediately to the north of Building 2C. The P.A. planner's report states that Table 10.1 Sunlight Analysis results for Buildings of Historical Significance and the accompanying text at Section 10.5.2.2.2 of the EIAR shows that neither 42 O'Connell Street, O'Connell Hall or Nos. 6-8 Moore Lane would pass Criterion 1 of the guidelines as the proposed development would create a 'noticeable loss of sunlight'. No. 42 and O'Connell Hall would experience sunlight loss of 40.74% and 43.75% respectively. The guidelines recommend that interiors where occupants expect sunlight should receive at least 25% of Annual Probable Sunlight Hours (APSH). The planner's report noted, however, that No. 42 has an atypical situation in that it adjoins a vacant site and forms part of the masterplan for the overall lands. It was further noted that it passed Criterion 2 regarding access to daylight.

8.12.13. As mentioned previously, the site is in a city centre urban environment and the tight urban grain of the historic plots and laneways creates certain site constraints. There are also well-known wider planning objectives for the regeneration of the area which seek to respect the existing urban grain of the block yet achieve increased density and compact growth. It is acknowledged that the area is one in transition, with emerging trends for taller and denser buildings. The application for Site 1 of the Masterplan, which includes No. 42 and O'Connell Hall and lands immediately to the north, has not yet been submitted. I would also remind the Board of the issues raised in the preceding sections of this report (8.9 and 8.10), wherein it was concluded that the height of the tallest section of Building 2C is excessive and a reduction in height and scale was recommended. The Conservation Officer of the P.A. had also raised concerns regarding the adverse impacts of Building 2C on these historic buildings to the north.

8.12.14. In light of these circumstances, it is considered that the loss of sunlight to these buildings would be regrettable, but importantly, the daylight access would meet the requirements of the guidelines. This should also be balanced against the wider planning objectives for these lands for an ambitious regeneration scheme. Notwithstanding this, the impact on the historic buildings is likely to be lessened should the Board be minded to grant permission subject to a condition requiring a reduction in building height as discussed above (8.9 and 8.10)

- 8.12.15. The **overshadowing assessment** addresses access to sunlight in external spaces. The BRE guidance recommends that for all relevant amenity spaces, at least half of the area should receive at least **two hours** of sunlight on 21st March. Shadow plans were prepared for 09:00, 12:00 noon and 15:00 on the 21st of March (equinox), 21st June (summer solstice) and 21st December (winter solstice). It can be seen that the proposed public square (central plaza) would receive high levels of sunlight throughout the year with over 90% of the space achieving 2 hours of direct sunlight on 21st March. This is considered to be a particularly positive element of the urban design as this public open space is key to encouraging people to walk through the urban block and to increase dwell time within such spaces.
- 8.12.16. Other parts of the public realm would also receive reasonable access to sunlight. It is noted that 55% of the public realm on O'Connell Street, Moore Lane and Henry Place would receive 2 hours on the 21st March, although the northern section of O'Connell Street would experience a greater level of overshadowing. It is noted, however, that this would be offset by the positive benefits of creating the new street which would allow more sunlight into O'Connell Street in the late afternoon/evening.
- 8.12.17. The overshadowing impact on Moore Lane is likely to be greater, although the lane does not currently receive a high level of sunlight. Approx. 50% of this space would continue to receive at least 2 hours of sunlight post development. Similarly, Henry Place is found to be largely overshadowed in the current context and there would be a negligible change in the post development scenario.
- 8.12.18. Reference is made in the third-party objections to overshadowing impacts on Greeg Court apartments. This existing development is located to the north-east of Site 5 and is at a considerable remove from Site 2. It is therefore, outside of the parameters requiring an assessment in respect of Site 2. I note, however, that this issue was addressed in the Inspector's Report on 313947 (Site 5), when it was concluded that the impact on these units would be very minor.
- 8.12.19. **In conclusion**, it is considered that the proposed development is likely to have an impact on the shadow environment directly adjacent to the site. However, the identified impacts are generally quite limited, and the degree of change would be consistent with the pattern of development that would be expected in such a central

and urban environment. On this basis, it is considered that the impacts arising are generally acceptable.

8.13. Sustainability and Climate Action

- 8.13.1. The Government's **Climate Action Plan 2024** is the latest annual action plan (at the time of writing this report) which was prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021 and places the national climate objective on a statutory footing. The Act requires Ireland to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net-zero emissions no later than 2050. It also requires that the annual update of CAPs be supported by a system of carbon budgeting and sectoral emissions ceiling targets. It sets out national carbon budgets and sectoral emission ceiling targets which seek to provide a course for Ireland to halve GHG emissions by 2030, and to reach net-zero by 2050. These national targets are legally binding and align with the EU's obligations under the Paris Agreement and the European Green Deal (2020). Under the National Adaptation Framework, the Sectoral Adaptation Plans set out the approach to be taken in each sector to address the risks and build climate resilience for the future.
- 8.13.2. The national emissions ceilings for the Built Environment Sector are set out in Section 14.3 of the CAP (2024). Two sectoral ceilings apply, one for residential and one for commercial/public sectors. The required level of decarbonisation for the commercial sector is 4.2 MtCO₂ eq by 2025 and 5 MtCO₂ eq by 2030 (Table 14.3). It is stated that in order to achieve the highly ambitious targets for the sector, there is an urgent need to reduce the use of fossil fuels and to improve energy efficiency in buildings. A range of measures are proposed to achieve this including improving the fabric and energy efficiency of the existing building stock by retrofitting, strengthening the building regulation standards and actively promoting district heating in order to reduce dependence on fossil fuels. Actions also include that all new buildings be designed and constructed to NZEB (Nearly Zero Energy Building) standard by 2025 and ZEB (Zero Emissions Building) by 2030. It is also stated (14.3.2) that it will be necessary to decrease emissions associated with production, construction and demolition.

- 8.13.3. At the city level, **Dublin City Climate Change Action Plan (2024-2029)** sets out a range of targets and actions to enable the city to transition to a low-carbon society and economy. The Dublin CCAP sets a target of 51% reduction in the Council's GHG emissions by 2030, while striving for carbon neutrality before 2050. It also seeks to make Dublin a Climate-Resilient City and to ensure a Just Transition to carbon neutrality, and to increase energy efficiency by 50%. It is noted that in previous DCCCCAP (2019-2024), the target for GHG emissions was 40% and a 33% improvement in energy efficiency by 2020, and it is stated that these targets were met and exceeded. The emission reduction targets in the current CCAP are across all sectors and have been updated to reflect the Amended Climate Act which requires 51% by 2030 and Neutrality by 2050.
- 8.13.4. The Climate Action policies and objectives are set out in **Chapter 3** of the **Dublin City Development Plan 2022**. These policies and objectives 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). These Climate Action policies (Chapter 3 CDP) seek to mitigate and adapt to climate change and to facilitate a transition towards climate resilience and carbon neutrality. Effective mitigation and adaptation responses include achieving sustainable settlement patterns in which compact growth and regeneration of brownfield lands is a priority, centering growth around convenient public transport options and developing increased densities to create walkable neighbourhoods with low car-dependency. These responses are reflected in Policies **CA3 – Climate Resilient Settlement Patterns, Urban Forms and Mobility**, **CA4 – Improving Mobility Links in Existing Areas** and **CA5 – Climate Mitigation and Adaptation in Strategic Growth Areas**.
- 8.13.5. Some of the 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. Relevant policies are:
- CA6 – Retrofitting and Reuse of Existing Buildings**
- CA7 – Energy Efficiency in Existing Buildings**

CA8 – Climate Mitigation Actions in the Built Environment

CA9 – Climate Adaptation Actions in the Built Environment

Mitigation measures (CA8) include design of buildings to maximise daylight, ventilation and energy efficiency and conservation, use of renewable energy sources, minimising waste and maximising use of construction materials with low to zero embodied energy and CO₂ emissions.

Adaptation measures (CA9) include the use of green roofs, efficient use of natural resources such as water, minimising pollution by reducing runoff through the use of permeable surfaces and SUDs, reducing flood risk, the effects of temperature extremes and protecting and promoting biodiversity.

- 8.13.6. The CDP also requires all applications for significant new developments to submit a **Climate Action Energy Statement** to demonstrate how low carbon energy and heating solutions, have been considered as part of the overall design and planning of the proposed development (Policy **CA10**). The application was accompanied by an **Energy and Sustainability Statement for Site 2** (BDP). This document sets out how the proposed masterplan development and the development of Site 2 will minimise its environmental impact by minimising emissions, targeting low embodied carbon buildings, minimising energy and water consumption and will utilise highly efficient electrical systems that take advantage of Ireland's low carbon generation strategy and will smooth the demand through electrical storage systems.
- 8.13.7. The Energy and Sustainability Statement sets out some of the key environmental performance targets that will be met (1.0). These include meeting/exceeding NZEB and aspiring towards ZEB standards and achieving a BER 'A' rating. Energy efficiency would be maximised by using air source and water-water heat pump systems (for heating, cooling and hot water), which would achieve zero carbon emissions, as no fossil fuels are involved. The proposal would also result in a reduction in water consumption by 60% compared with similar developments. It is also proposed to provide solar PV panels on the roof, which will supply a substantial portion of the energy needs, which will be supplemented by energy from renewable sources. The design of buildings will encourage measures to optimise material efficiency and minimise the environment impact of material use and waste. Materials that hold Environmental Product Declarations will also be sourced, thereby

minimising the embodied carbon emissions from the manufacturing, transport and construction phases.

8.13.8. The operational carbon emissions will be reduced and monitored by measures including transport usage, the encouragement of sustainable transport, the use of control systems such as advanced lighting controls and LED lighting. In addition, the design of the proposed buildings will ensure thermally comfortable spaces, will maximise access to natural daylighting and ventilation while minimising heat loss/gain by means of centrally located courtyards and atria, generous floor to ceiling heights, vertical shading and openable windows. The building design will also provide for a generous amount of external amenity space.

8.13.9. It is considered that the proposed development is generally consistent with the climate action policies and objectives set out in the City Development Plan and would contribute towards the achievement of the national climate objectives, as set out in the National Climate Action Plan (2024) and the Dublin City Climate Change Action Plan (2024-2029), as discussed above. The proposed development would result in a highly sustainable mixed-use development which would regenerate an area that has seen significant decline in recent years, which is strategically located in close proximity to a wide range of services and facilities and is served by high capacity and frequency public transport systems. The provision of a substantial range of new shops, cafes, restaurants and community facilities within the established city core, directly adjacent to Luas services, bus routes and a future Metrolink station, together with the low carparking and high cycle parking provision and the significantly enhanced pedestrian environment and public realm, would enhance the attractiveness of the area and reduce the need to travel and encourage modal shift to more sustainable forms of travel.

8.13.10. The proposed development would, however, involve a very significant level of demolition and excavation, which would substantially increase the release of 'up-front' embodied carbon, which combined with the construction of two buildings of significant scale, would lead to the release of carbon emissions associated with the manufacture and transport of materials and construction of the new buildings. This would not be consistent with the requirements of CDP policy **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.

- 8.13.11. As discussed in detail in Sections 8.7 and 8.8 above, the extent of demolition and excavation have been justified by the applicant. The rationale is based on the requirement to demolish most of the buildings on site to facilitate the excavation in order to accommodate the Metrolink station box under Site 2 and given that the majority of the buildings on site had been scheduled for demolition under the previously approved scheme, the permission for which did not expire until May 2022. It is therefore accepted that the extent of demolition and excavation is necessary for the development to proceed, which would deliver substantial public benefit.
- 8.13.12. Notwithstanding the substantial release of 'up-front' embodied carbon, the applicant has also demonstrated that the proposed development would achieve very substantial savings in operational carbon emissions due to the design of the internal and external spaces, the incorporation of renewable sources of energy, the maximisation of energy efficiency and minimisation of energy demand, water consumption and waste in the overall design, as well as the use of materials which would minimise the release of embodied carbon. The proposed development would, therefore, would accord with international sustainability performance standards.
- 8.13.13. In light of the above, it is considered that the proposed development may materially contravene Policy CA6 as it would involve substantial levels of demolition rather than retrofitting and re-use of buildings. However, the Development Plan at 15.7.1 recognises that the retention, retrofitting and re-use of existing buildings is not always possible and makes provision for justification to be provided in terms of the rationale for such demolition. As such, as a comprehensive rationale has been set out in the documents submitted with the application/appeal, it is considered that the proposed development would not result in a material contravention of this policy.
- 8.13.14. In conclusion, it is considered that the proposed development, by reason of the large-scale demolition and reconstruction involved would have a significantly higher

up-front embodied carbon compared to a refurbishment project of a similar scale. It is acknowledged, however, that sufficient justification has been provided for this approach and that the proposed development is designed to be highly energy efficient in terms of energy performance and a low embodied carbon associated with the operational phase. It would also deliver a mixed-use development in a centrally accessible area, served by high quality public transport which would be consistent with the sustainable development of the area.

8.13.15. 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.

8.14. **Duration of permission**

8.14.1. This issue is the subject of both the **first-party appeal** and **third-party appeals**. The planning application, as submitted to the planning authority, stated in the description of development that the applicant intended to apply for planning permission for a period of 11 years. The issue was addressed in the Planner's Report, when the matter was looked on favourably, with some reservations regarding the impact of long-term vacant sites but was not the subject of a condition in the P.A. decision. It was for this reason that a first party appeal was lodged. The third-party appeals related principally to the adverse effects of long-term construction environmental impacts on the amenities of the area and on existing businesses, including the Moore Street Market, which would have to cease trading for the duration of the construction works. The impacts including noise, dust, air pollution and road spillages would also pose health and safety concerns. The third parties, therefore, considered that the 5-year standard construction period would be appropriate in this case.

8.14.2. The P.A. planner's report stated:

While there will be a significant excavation area over a long number of years and given the constraints explained in the documentation submitted, in particular the

MEW, it is considered reasonable that a duration of 11 years be sought in this instance. There are concerns, however, regarding the time frames of demolition, excavation and construction and the impact of a large vacant site on the streetscape. It is considered that demolition, excavation and construction should be sequenced to ensure that the impact of a vacant site on the streetscape is kept to a minimum. In addition, sufficient provision needs to be made to ensure extant buildings within and across the sites to 2AB and 2C will not be removed except where proposed development is imminent in each location.

8.14.3. This issue formed Item 1 of the FI Request, in which the P.A. had sought reassurances that the demolition and construction phases would run sequentially, that no buildings would be removed except where proposed development is imminent at that location, and that a detailed methodology/program of development and excavation works be submitted. The applicant's response (July 2023) included a detailed program prepared by Certo Services (separate booklet) which outlined the timeframes for demolition and excavation works. However, it was clear from the response that the complex nature of the development, particularly due to the inclusion of the MEW, necessitates the demolition of all of the buildings on Site 2 concurrently, with no opportunity to sequence demolition and construction as sought by the P.A. This matter was discussed in detail at 8.7 and 8.8 above.

8.14.4. The proposed development forms part of the Masterplan for the Dublin Central lands for which there is a planned sequence of development. This would see construction begin with Sites 1, 3 and 4 and the hoarding of Site 5 as a construction compound, with the demolition, excavation and construction of the MEW commencing 6 months later, and continuing in parallel with the construction of Sites 1, 3 and 4. It is noted that at the time of writing this report, no planning application has been submitted for Site 1 and the Board's decisions in respect of Sites 3 and 4, (312603 and 312642, respectively), are currently the subject of a Judicial Review. Furthermore, as the Board will note from previous sections of my report, that it is the stated intention of the applicant (and TII) that no demolition will take place on Site 2 until the Railway Order is in place. A decision on the proposed Metrolink Railway Order application is still pending. Thus, irrespective of the complexities of the overall site and development, these matters could result in delays to the overall project. I would accept, however, that the masterplan has been designed to enable individual sites to

progress in isolation, and that should the Metrolink project be unduly delayed or not proceed, the proposed development of Site 2 has been designed to enable the proposed development to proceed in any case.

8.14.5. I note from the Outline Construction and Demolition Management Plan (May 2023) and the Certo Response to FI Request (June 2023) that the sequence of demolition and construction involves a considerable amount of preparation work including protective works to retained structures, demolition, site clearance and excavation, as well as the construction of MEW, before any construction of the proposed buildings on Site 2 can commence. Appendix B of the OCDMP sets out a series of indicative timescales over the course of the project. This indicates that it is likely to be 3-4 years before the construction of Site 2AB would commence and once started, the construction of the two buildings could take a further 4 years or more to complete. The demolition, excavation and construction of the MEW is expected to take at least 5-6 years, with construction of other elements of the overall project continuing in parallel.

8.14.6. The **demolition phase**, which would follow 'site-set-up', includes a range of activities such as

- Asbestos removal works - using a specialist licensed contractor and an agreed methodology, in consultation with HSE, and obtaining air testing certificates.
- Soft strip - salvage of materials, equipment and goods to be retained. This will be preceded by an 'intrusive structural investigation' to provide a greater understanding of the condition of the historic fabric. All items to be salvaged must be carefully removed, photographed and recorded prior to storage
- Underpinning and façade retention works – lateral support for the retained facades will be put in place as well as underpinning and shoring of structures. The interior of the facades will have felt and battens applied and the window opes will be reinforced. Protected Structures on adjoining sites will also be provided with structural supports. All of the retained and adjoining buildings will be monitored for ground movement throughout construction.
- Demolition using both hand-held tools and mechanical equipment – due to the sensitive nature of the structures to be retained those elements to be

demolished will require hand-held dismantling as well as mechanical demolition methods, which is time consuming.

- Archaeological assessment – prior to excavation and following demolition, archaeological testing will have to be carried out. Depending on the outcome of such testing, it may be necessary to carry out a full excavation.
- Preliminary works prior to excavation – the below-ground foundations will have to be removed, the basements infilled prior to pile probing and preparation of the pile mat in readiness for the next piling phase.

Underpinning and retention works will also be required

8.14.7. As can be seen from the above list, the demolition phase is quite complex and involves investigative surveys, agreement of methodologies, engagement of specialists, protective structural works and archaeological testing before the site can be prepared for excavation. The reports outline in some detail the works involved in the **excavation phase** which is also quite complex. This is due principally to the scale and considerable depth of the MEW (structural dimensions 120mL x 27mW x 35mD) and the preparatory works involved. The construction of the MEW will involve the use of diaphragm wall techniques, whereby the concrete diaphragm walls are constructed in advance of the bulk excavation of the station box. This requires specialist equipment which must be booked in advance and brought in from abroad. The use of diaphragm walls in conjunction with secant piled walls involve an open excavation construction approach, including the use of guide walls and a bottom-up construction approach, which require site clearance up to the perimeter of the site prior to the piling rigs arriving on site. The guide walls must enclose the full extent of the MEW footprint. Thus, the site preparation and logistical requirements of this approach present significant spatial challenges, particularly given the constrained nature of the site. This means that space will be at a premium and the space created by the demolished buildings will be required to assist with the logistics.

8.14.8. In addition to the above, additional constraints identified by the applicant include

- City Centre site alongside a major roadway with significant pedestrian and traffic flow.
- Restricted access from the surrounding road network and narrow existing laneways within the overall site.

- Restricted access arising from two major pedestrianised streets flanking the overall site.
- Insufficient space on site to facilitate stockpiling or crushing of demolished materials for use in piling mat.
- The need for an archaeological assessment prior to commencing piling works and to create 2 working zones to free up space for archaeological work.
- Protected Structures within and adjoining the site to be retained, which must be sensitively worked around.
- Sensitive neighbouring residents and businesses.

8.14.9. **In conclusion**, I would accept that the constraints of this city centre site and the scale and complexities of the development proposed, which include the retention and restoration of several historic structures as well as the provision of a very large subterranean structure underneath the site, requiring the use of specialist techniques, combined with the interrelationships of construction management between the various sites of the overall masterplan area, are exceptional and that an extended period of time is therefore warranted for the construction phase beyond the standard 5 years. The applicant has provided detailed justification for the proposed 11-year construction phase, which seems reasonable. I also note that the P.A. reports had accepted the need for this duration of permission. The Board, in its recent decisions on Sites 3, 4 and 5 (312603, 312642 and 313947, respectively) had accepted the need for expanded timeframes for construction of between 7 and 12 years, based on similar reasoning, although it must be noted that these decisions are currently the subject of a Judicial Review.

8.14.10. The third parties had raised concerns about the impact on amenities and health and safety during such an extended construction period as well as the impact on local businesses. The P.A. had also expressed concern regarding the potential for sites to remain vacant for long periods of time and third parties had raised concern about the implications for the area should the Metrolink project be postponed or abandoned. These issues have largely been addressed in the preceding sections of this report (8.7, 8.8, 8.11 and 8.12). However, it is worth noting at this juncture that there are a range of mitigation measures proposed to address the environmental issues arising from the construction phase, including noise, dust, fumes and traffic safety, which

are set out in various documents, including the Outline Construction and Demolition Management Plan and various chapters of the EIAR. In addition, the applicant has emphasised that sequential working is intended, once all the necessary approvals have been granted, with no stand-down periods whilst vacant sites lie dormant waiting for construction or MEW works to start.

- 8.14.11. It is considered, therefore, that the proposed 11-year duration of permission is necessary and reasonable given the complexities of the site and development and of the construction programme. Should the Board be minded to grant permission, therefore, a condition to this effect should be attached to any such permission.

8.15. Planning Assessment Conclusion

- 8.15.1. The proposed mixed-use development would regenerate and revitalise this strategically located and highly accessible city centre site on Dublin's premier civic street, which is designated as a Key Opportunity site in the Strategic Development Regeneration Area for the North-East Inner City, as it has experienced prolonged and significant levels of vacancy, dereliction and neglect in recent years. The proposed development incorporates a substantial increase in density and height, which is considered necessary to drive the regeneration of the area and which would help to achieve national and local objectives for compact growth in a manner, which with some further amelioration of height and scale, would positively contribute to the architectural character of the city and add new elements of townscape interest with enhanced legibility and a distinctive sense of place. The reduction in height and scale is necessary, however, to enable successful integration and protection of the city's heritage assets.
- 8.15.2. The proposed development is set within a highly sensitive historic and cultural environment, which is a cherished part of the nation's history. The scale of the development and the extent of demolition and excavation is therefore understandably quite contentious. However, it is considered that the design of the proposed development, which incorporates the restoration of the protected structures and facades within the site, is generally sensitive to this heritage environment, and strives to strike a balance between the retention of historic fabric and the delivery of an ambitious regeneration scheme. It is also considered to be

justified in the public interest, in this case, as it would facilitate the delivery of both the regeneration of this strategically important site and of the O'Connell Street Metrolink station in due course. It is further considered that the proposed 11-year duration of permission is justified on the basis of the highly complex nature of the development and site construction programme.

8.15.3. The layout of the proposed development would retain the established urban grain of the network of lanes and positively contribute to the public realm by introducing a new street and civic spaces, enhancing the quality of the existing laneways and introducing a significant volume of new uses with active ground floor uses along the street frontages. This would transform the permeability of the urban block and create a network of high quality, safe and attractive pedestrianised spaces with a significantly increased footfall which would help to sustain and enhance existing businesses and traders in the area. The mix of uses would, however, need to be altered by increasing the level of floorspace for community and/or arts/cultural uses to meet the CDP requirements and the historic plot lines and boundaries should be clearly and sensitively demarcated on the new ground surfaces.

8.15.4. It is considered, therefore, that subject to the amendments discussed in the preceding sections, the proposed development would make a significant contribution towards the achievement of compact and sustainable development as envisaged in the NPF, the MASP and the City Development Plan 2022-2028, by providing a vibrant and revitalised urban quarter, incorporating a station box for the planned O'Connell Street Metrolink station, which would have a significantly positive effect on the character and townscape of this part of the north-east inner city, while respecting the sensitive historic environment and would help to restore the civic function Dublin City's premier street.

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 9th of August 2023, (dated 28th 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. The requirement for EIA arises as the project, entailing a site area of 1.39 hectares within Dublin City Centre is of a type and scale identified in Part 2, Schedule 5, Part 1 of the Planning and Development Regulations 2001, as amended. The type and class of project is:

10(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district.

As the site area is 1.39ha, it is below the 2-hectare threshold for urban development in a business district, as set out in Class 10(b) above. 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 Site 2, comprising Sites 2AB and 2C. 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, and for the site at No. 61 O'Connell Street, which was submitted concurrently with the current application.

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 can be summarised as follows:

- Impacts on cultural heritage arising from demolition, excavation and intervention in terms of loss of historic fabric and impacts on the setting of historic buildings and streetscapes.
- Landscape and visual impacts on townscape.
- Population and human health impacts including potential positive impacts through the redevelopment of a brownfield and under-utilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting and adverse impacts during the construction phase from noise vibration dust and traffic.
- Impacts on material assets from alterations to access and site servicing.

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. The proposed development represents a sustainable, compact redevelopment of a brownfield site in a highly accessible location in the city centre. This is considered to accord with 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 this 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 site 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. Chapter 5 (updated) addresses population and human health in addition to chapters on air and climate, noise and vibration, transportation and visual impact.

Receiving Environment

- 9.6.2. 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 a brownfield site located within the north-east inner city comprising a mix of retail, commercial and vacant properties and lands surrounded by a road network. 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.

- 9.6.3. 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 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.
- 9.6.4. In a 'Do Nothing' scenario, the site would remain an underutilised city centre site which would have a knock-on negative impact on the vibrancy and vitality of the surrounding areas.

Predicted Effects

- 9.6.5. 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.
- 9.6.6. Given that part of the construction works for Site 2, Metrolink Enabling Works (MEW), will take place at the same time as excavation and below ground works for Site 2, these works for the two developments are assessed as one activity and, therefore, the potential cumulative impact is predicted. Two MEW construction phase activities were identified as having potential to cause significant adverse impacts on the nearest sensitive receptors, i.e. demolition and D-wall operations.
- 9.6.7. 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.
- 9.6.8. 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 PM₁₀ and PM_{2.5} emissions. The major noise generating activities for construction noise are identified including demolition and site clearance, basement excavation including piling works, D-wall 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, including D-wall works.

- 9.6.9. 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.
- 9.6.10. During demolition, the impacts from noise ranged from 'not significant' to 'very significant', in the absence of mitigation. The most significant impacts (without mitigation) would be for one clinical receptor to the north, one residential receptor to the west and fourteen commercial receptors to the north, east, south and west of the site. During D-wall activities, there would be one residential receptor to the west and six commercial receptors to the north and west with a moderate-significant impact and one commercial receptor with a significant to very significant predicted noise impact, in the absence of mitigation.
- 9.6.11. The identified impacts on businesses and residences during the operational phase are mainly positive impacts arising from the redevelopment of the site and provision of commercial uses and local amenities as well as a significant improvement to the public realm. Due to the mixed-use nature and scale of the proposed development, direct impacts include the employment opportunities associated with the operational phase which would be significantly positive, as well as the positive effects of the regeneration of the area and by provision of additional services, amenities and facilities for both working and resident populations and visitors.
- 9.6.12. In terms of the impacts in respect of daylight and sunlight, it is noted that there are no residential properties impacted by overshadowing due to the location of Site 2 and its orientation relative to other existing buildings. The rooftop amenity space on the top of the apartments on the northern side of Moore Street would not be affected. Access to sunlight is maximised in the amenity spaces throughout Site 2 (Chapter

10). However, the proposed development will have a slight impact on the proposed public plaza at Sites 4 and 5, but this space will still receive at least 2 hours of direct sunlight over 90% of the designated amenity area. The predicted impacts are therefore not significant.

9.6.13. There is potential for noise impacts arising from entertainment noise from restaurants/bar areas, community amenity spaces, retail units and food and beverage units. In addition, noise from electrical and mechanical plant required to service the development. However, the noise levels that are likely to be encountered at the nearest sensitive receptors are predicted to be within relevant adopted noise criteria. There will be no discernible impact to human health arising from the noise and air quality associated with additional traffic.

9.6.14. Once operational, the proposed development will have a significant and positive impact on the availability and quality of local amenities and also on tourism. The proposed development will provide increased leisure opportunities, public open spaces, community meeting areas and cultural facilities, all of which will have significant and positive impacts on local amenities. The proposed masterplan will also improve tourism resources in Dublin City, providing increased tourism accommodation, which would be augmented by the provision of retail units, cafes, restaurants and leisure community and cultural provisions, as provided for in Site 2 and other sites within the Masterplan area.

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

9.6.15. To minimise significant nuisance arising dust and noise, a Preliminary Construction Traffic Management Plan and an Outline Construction and Demolition Management Plan have been formulated. These plans include site management, demolition and clearance works, traffic management and dust 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.

9.6.16. 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.

9.6.17. 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.

9.6.18. 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

9.6.19. 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.

9.6.20. 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

- 9.6.21. 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

- 9.6.22. 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 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.
- 9.6.23. 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 2nd and 24th 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, the site would continue to degrade, and the ornamental scrub would likely grow and spread across the site, thereby providing habitat for nesting gull species and feral pigeons and for other breeding bird species and invertebrate populations.
- 9.7.7. The existing 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 either the Dublin Central Masterplan or Site 2 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. Noise and vibration during the construction phase, as well as the increased presence of humans and construction traffic, are likely to act as a deterrent to breeding bird species, resulting in displacement and disturbance of these species. However, given the abundance of roof tops in the vicinity, these effects are likely to be short-term and are unlikely to affect the conservation status of the local breeding bird population.

9.7.11. No operational phase impacts are anticipated in respect of habitats. There is potential for temporary disturbance to breeding bird species as a result of increased human activity during the operational phase. However, the birds recorded are typical urban species and are considered to tolerate increased levels of disturbance providing that suitable habitat remains in place. The increase in vegetation and planting will also provide habitat for other local bird species in what is a heavily urbanized environment. Overall, the disturbance during operation is unlikely to result in a significant effect at any geographic scale.

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

9.7.12. 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.

9.7.13. 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.

- 9.7.14. 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

- 9.7.15. 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.

- 9.7.16. Significant cumulative effects on biodiversity are not, therefore, predicted.

Residual Impacts

- 9.7.17. No residual impacts are envisaged.

Biodiversity conclusion

- 9.7.18. 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 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 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. The full modelling and results are set out in the Basement Impact Assessment in Appendix 7.2.
- 9.8.7. The removal of structures and ground bearing concrete slabs/paving and other earthworks 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.
- 9.8.8. 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.
- 9.8.9. 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.

- 9.8.10. 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.

- 9.8.11. The construction of the MEW will require significant volumes of soil to be removed from the site (108,323m²), with a further 25,242m² 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 163,490m². 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.

- 9.8.12. 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.

- 9.8.13. Construction has been considered as a bottom-up construction, where the excavation will be advanced down to the lowest level, with the structure then being constructed from this bottom level. In the permanent condition, the reinforced concrete slabs will act as permanent props between the diaphragm walls to resist lateral pressures. In the temporary condition, horizontal props would be installed successively as excavation progresses downwards, and removed as work proceeds upwards. To the east and west of the MEW, a piled wall is to be installed to support the transfer structures bridging over the station box, which in turn will support the proposed Block 2AB and Block 2C superstructures above.

- 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. No cumulative impacts are anticipated for land and soil.

Land and soil - Conclusion

- 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. Surface water discharges will be restricted through the use of flow control devices, and each of the sites, 2AB and 2C, will incorporate suitable attenuation for the 1-in-100-year storm. Attenuation will be provided in tanks at basement level. Appropriate sustainable drainage systems measures are proposed, including the use of green roofs, blue roofs and tree pits. The surface water proposals will significantly reduce the rate of surface water runoff to the existing combined network compared to the current scenario. Surface water from Site 2AB will be attenuated in two adjacent tanks in the basement and will discharge by gravity to the existing combined sewer network in O'Connell St. Upper. The discharge rate will be restricted to 2l/s.
- 9.9.5. New surface water drains will be laid along Moore Lane adjacent to Site 2C, continuing North to Parnell Street and connecting to the existing surface water sewer in Parnell St. The discharge rate will be restricted to 2l/s. A high level overflow to an underground attenuation tank will be provided for flows that exceed this limit. The proposed attenuation tank to serve Site 2C is at the second basement level, from which attenuated water will be pumped back up to the drainage network. The attenuation tank will typically be empty, only filling up during storm events, and similarly the pumps will only be active during storm events when water enters the tank.

Predicted Effects

- 9.9.6. 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. In addition, during the construction of new sewers, there is a risk of leakage from sewers and drains.

- 9.9.7. There will be an increase in demand for water during the operational phase and increase flow to the wastewater system.
- 9.9.8. The surface water run off volume will be reduced by means of the introduction of SUDs devices and attenuation storage measures. This will result in a net reduction in flows to the combined sewer. However, the discharge from Site 2C to the existing separated surface water network could result in an increase in runoff which could give rise to downstream flooding.
- 9.9.9. Construction of the metro station box will necessitate groundwater dewatering. An assessment of the likely dewatering rates during the proposed station box excavation has been carried out using a Plaxis 2D model. A number of wells will be installed along the box perimeter and will maintain a groundwater table to a level of 1-2 meters beneath the box formation level.
- 9.9.10. It is predicted that dewatering pumping rates of circa 100m³/h will be required for the entire box. It is anticipated that the groundwater extracted via the wells would be pumped back into the deep aquifer using additional recharge wells. Due to the relatively significant anticipated volumes of water, some form of grouting below the base of the excavation may have to be considered in order to form a lower permeability “plug” and limit the dewatering volumes. This “plug” would have to extend to a sufficient depth to prevent uplift stability mechanisms. Proposed short term dewatering during the construction stage will mitigate the risk of groundwater flooding during excavations and will limit the impact on the groundwater table.
- 9.9.11. During the operational stage, the metro box permanent structure will form a cut-off for the superficial groundwater flow and may induce groundwater head variations in the zone surrounding it. The applicant has commissioned a Barrier Effect Study incorporating groundwater modelling and a groundwater seepage assessment. This study is included 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.
- 9.9.12. Two scenarios were analyzed, considering the current conditions and the presence of the proposed station box acting as a groundwater barrier. The aim of the groundwater seepage study was to evaluate the magnitude of groundwater level increases on the ‘upstream’ (north) side of the basement and the ground water level reduction on the ‘downstream’ (south) side as a result of the ground water damming

effect. It was noted that the general direction of the groundwater seepage mechanism at present is from northwest to southeast towards the River Liffey with a groundwater head gradient of approximately 0.003. The results of the modelling showed that groundwater head variations (increase upstream and reduction downstream) of up to 0.05 meters are predicted. This would represent a negligible impact of the proposed station box construction on the groundwater conditions in the area.

- 9.9.13. Therefore, the potential impact to groundwater during the operation stage is considered negligible. There is potential for groundwater to enter the basement during operational stage, however, through weak points in the basement construction.
- 9.9.14. In a Do-Nothing Scenario, there will be no change in the hydrological regime. The water will continue to flow from the site uncontrolled and unrestricted to the existing combined network.

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

- 9.9.15. 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.
- 9.9.16. 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.
- 9.9.17. 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.
- 9.9.18. 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

- 9.9.19. No residual impacts are anticipated. There will be a water demand arising from the proposed development. Irish Water will confirm whether the existing network has sufficient capacity or alternatively, will outline any upgrades required to facilitate the development.

Cumulative impacts

- 9.9.20. No cumulative impacts are anticipated for water.

Water - Conclusion

- 9.9.21. 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 PM₁₀ 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 PM₁₀ is estimated at 15µg/m³ 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.

Predicted Effects

- 9.10.8. In a 'Do Nothing Scenario' there would be no change to the prevailing conditions in terms of air and climate.
- 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 PM₁₀ and PM_{2.5} 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 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 50,000m³ 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. The remaining activities (excavation, construction and trackout) associated with the Dublin Central Development are also classified as 'large' and each has a high risk of dust soiling but a low 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 10,000m². 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 10,000m².

The excavation of the Metro Enabling Works and the basements and foundations for Sites 2AB and 2C would be the primary sources of excavated materials. This would result in an overall high risk of dust soiling and a low risk of human health impacts for Site 2.

- 9.10.13. In respect of **construction activities**, the dust emission magnitude associated with the Dublin Central Development and with Site 2 were assessed as 'large' due to the total building volume exceeding 100,000m³ and involving buildings up to 8 storeys in height. In terms of **trackout**, the dust emission magnitude was classified as 'large' as there are likely to be over 50 outward HGV movements per day during worst-case stages of the development. This would result in a high risk of dust soiling and a low risk of human health impacts.
- 9.10.14. Table 9.17 summarises the potential dust impacts for each activity as part of **Site 2**. In the absence of mitigation, there is potential for **short-term, localised, significant dust** related impacts to **air quality** as a result of the construction works associated with Site 2. 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 **medium** risk of significant human health impacts as a result of the demolition works and a lower risk of human health impacts as a result of the other construction activities (Table 9.17). Thus, in the absence of mitigation there is the potential for **slight, negative, short-term** impacts to **human health** as the result of the proposed development of Site 2.
- 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 CO₂ and NO₂ 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. NO₂ 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 NO₂ 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 CO₂ and N₂O) 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 PM₁₀ and PM_{2.5} 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 **PM₁₀ and PM_{2.5} emissions** was considered to be **slight, 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, 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 Site 2.

- 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.
- 9.10.23. The proposed buildings will meet/exceed the NZEB (Nearly Zero Energy Buildings) requirements set out in Part L of the Building Regs., and they aspire to meet the Net Zero carbon strategy. The design of the proposed buildings incorporates highly efficient water heating and cooling systems with no fossil fuels being consumed. The development will achieve an 'A rated' energy certificate for all buildings and significantly reduced water consumption. The development has set progressive targets for embodied carbon based on LETI (London Energy Transformation Initiative) targets for 2030. The development has benchmarked itself against Sustainability Assessments including BREEAM, LEED, WELL Building Standard, WIRED Score and Passive House. At a minimum the scheme will adopt the principles of all.

Residual Impacts

- 9.10.24. 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

- 9.10.25. *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.
- 9.10.26. *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

- 9.10.27. 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 (8.12).

Receiving environment

- 9.11.2. The 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. Site 2 is one of six sites forming the Masterplan and as such, the cumulative impact of the overall Dublin Central development massing is added to each individual Daylight, Sunlight and Overshadowing Assessment. This is intended to ensure a worst-case analysis and so that the proposed Dublin Central development does not reduce access to Daylight and Sunlight for other individual sites. It should also be noted that the existing site has a very low density, which is likely to exaggerate any impacts on access to daylight and sunlight.

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.

- 9.11.6. Table 10.1 summarizes the data for Sunlight Analysis results for Existing Buildings of Historical Significance. 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%). It is stated (10.5.2.2.2) however, that it is important to recognise that these elevations have an atypical access to sunlight given their city centre environment and orientation and as such development of any scale in this location will necessarily have an impact. It is also noted that all three pass Criterion 2, demonstrating that they will still receive access to daylight which would be accepted by the BRE. All other facades comply with Criterion 1 and 2.
- 9.11.7. As noted previously in the Planning Assessment above (8.12), the site immediately to the north of 42 O'Connell Street is vacant and that all of these sites form part of a masterplan. It has also been noted above that the site does not contain any existing residential uses. Furthermore, the proposal is expected to achieve sustainable densities on a centrally located brownfield site, where both the baseline shadow environment and the expected shadow environment would be low.
- 9.11.8. 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 21st 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.
- 9.11.9. In a 'Do Nothing' Scenario, the existing sunlight and daylight environment within neighbouring buildings will 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. The scale of the development at site 2 will have a minor impact on the shadow environment but the consequences of this will not be noticeable due to the site orientation and existing urban density of the area. As no ameliorative, remedial or reductive measures are proposed, the residual effect of the proposal on sunlight and daylight access is predicted to be as discussed above.

Cumulative Impacts

- 9.11.12. No cumulative impacts are anticipated for Air - Sunlight and Daylight.

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. In terms of the masterplan, it is noted that during the construction of Site 2, it is likely that the construction of Sites 3, 4 and 5 may be completed and could be potentially occupied with residential units. However, during construction of MEW, there will be no sensitive receptors within the Masterplan development.
- 9.12.5. As part of the Site 2 and MEW noise modelling, additional noise sensitive receptors have been considered. A total of 34 NSL's were identified, including clinical, residential and commercial properties (Table 11.31 and Fig. 11.12). The NSLS are located on Parnell Street/Square, O'Connell Street, Henry Street, Moore Street, Moore Lane, Henry Place and O'Rahilly Parade.

Predicted Effects

- 9.12.6. **Noise and vibration during the construction stage** - the main site activities which would give rise to noise and vibration were identified as MEW for the underground Metro box, site clearance, demolition of existing buildings, basement excavation including piling works and secant retaining wall construction, building construction and landscaping. Potential impacts on NSLs internal and external to the development site were considered as parts of the masterplan may be completed in advance of others.
- 9.12.7. Noise and vibration during the construction stage were assessed using the BS Code of Practice for Noise and Vibration Control on Construction and Open Sites. In setting the thresholds, regard was had to the existing baseline noise environment as monitored (11.3.1.2) and also to the Noise Level Criteria used for Dart Underground and the National Children's Hospital (recent large-scale developments in the city

centre). The DCC Noise Control Good Practice Guidance for High-Risk Sites (DCC GPG) was also taken into account. The proposed threshold level for residential properties on Moore Street was 70dB(A) and 75dB(A) for commercial properties, clinical NSLs and residential properties on Parnell Street.

- 9.12.8. It is anticipated that as part of the construction works for Site 2, the MEW works will take place at the same time as the excavation and below ground works for Site 2. The works for the two developments are assessed as one activity and thus, the potential cumulative impact is predicted. Due to the complexity of the works associated with the Metrolink, additional noise modelling has been undertaken in order to predict the potential effects of these works when they are completed as part of this development.
- 9.12.9. The predicted noise levels associated with construction plant for **Site 2/MEW** are listed in Table 11.32 and for each of the main construction activities at each of the 34 receptors in Table 11.33. The activities included were Demolition, Reduced level Excavation, Piling, D-Wall, Dewatering, Excavation and Concrete works. The results are based on worst-case scenarios but include mitigation by means of a 2.4m hoarding. During the majority of the MEW construction activities, the predicted highest cumulative construction noise levels do not exceed the threshold at the vast majority of closest receptors to the side boundary. However, the highest noise levels at 22 no. receptors arise from demolition and diaphragm wall construction sources, (3-14dB and 1-6dB above threshold, respectively), in the absence of mitigation.
- 9.12.10. Table 11.34 indicates that, in the absence of mitigation (other than 2.4m hoarding), 16 receptors would have a significant to very significant impact from demolition at Site 2, with a further 3 receptors having a moderate to significant effect. The predictions for D-wall construction are less intense and less widespread, with one receptor experiencing significant-very significant effects and 7 receptors experiencing moderate to significant effects. However, these effects are reduced considerably when localized screening is introduced and the hoarding is increased to 4m in height (Tables 11.35 and 11.36).
- 9.12.11. One residential receptor to the West (Greeg Court) and seven commercial receptors to the East, South and West would have a Moderate to Significant noise impact and one receptor, Jury's Inn, would have a Significant to Very Significant noise impact.

However, the height of the receptor impacted is generally above 9.5m, apart from Jury's Inn, at 5.5m, due to the ameliorative effects of the 4m hoarding. The noise levels at Jury's Inn would range from 72-80 dB(A) with the most intrusive (over 75dB(A)) arising from the noise sources of Demolition and D-wall construction. Once the below ground construction works are complete, additional NSLs will also potentially be affected, such as hotel rooms in Site 1 and Site 3 and residential units at sites 3 and 4, but these impacts would be associated with general site works.

- 9.12.12. Overall, it is predicted that construction noise impacts (for the masterplan area) will exceed the recommended threshold levels of 75 dB LAeq when intrusive works are being undertaken within 10m of a site boundary for commercial receptors and the threshold of 70 dB LAeq for residential receptors within 15m of a site boundary. At greater distances it was indicated that the range of construction activities are likely to be carried out within the limits.
- 9.12.13. In terms of construction traffic, the potential increase in traffic flow and associated noise levels are set out in table 11.23. This relates to the worst-case scenario. The increase in traffic volumes is predicted at 21% and the associated traffic noise would be less than 1 dBA of the existing baseline. The calculated noise levels associated with the worst-case cumulative traffic assessment are in the order of 68 dB LAeq1hr, which is below the construction noise criterion of 70 dB(A) for residential receptors and 75 dB(A) for commercial and clinical receptors, with no significant impact along the haul routes. Thus, the impact is likely to be negative, not significant and short-term.
- 9.12.14. The most significant sources of transient **vibration** during the construction phase are likely to be from piling of secant walls and foundations and rock breaking during excavation works. In terms of piling, low vibration methods involving bored or augured piles are proposed. This piling method minimises the vibration levels generated as it is a non-percussive piling technique. It is not anticipated that the vibration limits will be exceeded during the construction phase. Notwithstanding this, any cumulative construction activities would be required to operate below the recommended vibration criteria set out in Tables 11.6, 11.8 and 11.9 and in accordance with mitigation measures in 11.6.1.1.

- 9.12.15. **Noise during the operational phase** – the main operational noise sources were identified as mechanical plant noise, entertainment noise, servicing and delivery noise, metro ventilation services and additional traffic associated with the proposed development. The cumulative operational noise level from the proposed development at the nearest external noise sensitive locations would be designed and attenuated to meet the relevant BS4142 noise criteria for day and nighttime periods.
- 9.12.16. The majority of plant items will be housed internally, where noise breakout is expected to be minimal. Furthermore, it was confirmed that no plant item will emit significant tonal or impulsive characteristics which may increase the potential for annoyance at the nearby noise sensitive locations. These plant items will be designed and attenuated so as not to impact on sensitive receptors within the development. As such, there is not expected to be an impact on receivers outside the development, which are further away. There are no external entertainment areas and noise breakout from internal food and beverage units is expected to be minimal.
- 9.12.17. Servicing and delivery will generally be conducted during daytime periods (0600-1100). The designated loading bays are
- Site 2AB – Loading areas on Henry Place and Moore Lane
 - Site 2C – 24-hour loading bay at O’Rahilly Parade and Parnell Street
- 9.12.18. The worst-case scenario of 50% of deliveries occurring between 0600 and 1100 was considered. The addition of 12 vehicles per hour (on average) would not represent a significant increase in vehicle movements or change in noise levels. Based on the low level of car parking proposed, there would be no significant impact in terms of increased traffic noise during the operational phase.
- 9.12.19. 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). The predicted noise levels for commercial units on O’Connell St (eastern façade) and Moore Lane (western façade) are 66 to 72 dB, LAeqT and 59 to 60 dB LAeqT, respectively. It is predicted that the appropriate internal noise levels can be achieved once appropriate glazing systems are provided for on the facades of the development buildings. Details of the required glazing acoustic specifications are set out in section 11.6.2.2.

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

- 9.12.20. 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.
- 9.12.21. Piling is the construction activity which is most likely to cause disturbance and general guidance is contained in the EIAR (11.6.1.1). this includes use of piling programmes, enclosure of the driving system in an acoustic shroud, removal of a direct line of sight between the source and the receptor and ensuring that machinery is well maintained. A 4m high hoarding will be required at the north-west boundary in the vicinity of O’Rahilly Parade and the Jury’s Inn hotel. Localised screening will be used around breakers and static plant items.
- 9.12.22. 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.
- 9.12.23. Inward noise mitigation will be provided in the form of glazing that achieves the minimum sound insulation performance as set out in Table 11.42 and shown in Fig. 11.15 and 11.16 for Sites 2AB and 2C, respectively. Specification applies only to office spaces on the facades indicated. Retail and food and beverage units along these facades do not have a sound insulation requirement. Other facades in the development have no minimum requirement for sound insulation.

Residual impacts

- 9.12.24. 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.
- 9.12.25. In respect of Site 2, it is predicted that the residual construction noise levels will be at or above the relevant noise criteria while works are within 10m of commercial receptors and less than 15m of residential receptors during initial site works, resulting in a negative, moderate to significant and short-term residual noise impact during the initial site work activities. As the works move further away, the noise impacts will lessen. The residual impacts in terms of the other construction activities will be below the noise criteria but either above or below the baseline noise levels.
- 9.12.26. The residual noise impact for the operational phase would be neutral and not significant.

Cumulative impacts

- 9.12.27. 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.
- 9.12.28. 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

- 9.12.29. 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 Mobility Management Plan, which were submitted with the application (as revised). The board is advised that there is an overlap with the planning assessment in section 8.11 above. It is recommended that the sections be read in tandem.

- 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 bounded by O'Connell Street to the East, Parnell Street to the north, Moore Street to the West and Henry Street to the South. The 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. It is also proposed to incorporate the proposed Metrolink Station box, together with two station entrances, underneath Site 2, which would provide for the future O'Connell Street Metrolink station.

- 9.13.5. 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.
- 9.13.6. The proposal 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.

Predicted Effects

- 9.13.7. The expected traffic movements during construction will vary from month to month. The single largest activity in terms of truck movements will be the excavation of the MEW, with a total of 133,565 m³ over a 12-month period. The worst-case scenario anticipates 65-95 truck arrivals and 65-95 truck departures per day, with a peak of 12 arrivals and 12 departures during the peak hour 0800-0900. These movements take account of the concurrent construction activities in each of the sites associated with the development of the overall master plan site and represent 1% of the existing traffic flow per hour each way on Parnell Street during the same period. 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.
- 9.13.8. Inbound access for construction vehicles is proposed from Parnell Street to Moore Street/ O'Rahilly Parade and outbound departures from Moore Lane to Parnell Street. The preferred option was selected on the basis of a number of local constraints including:-

- The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane, should there be a delay entering Moore Lane for whatever reason.
- The restricted width of the left turn from Parnell Street around Conway's public house into Moore Lane, which could cause delays due to the slow deliberate turning for vehicles across a busy restricted area.
- The relatively easy right and left turns from Parnell Street to Moore Street.
- The availability of a stacking area for the right and left turns from Parnell Street into Moore Street.

9.13.9. 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.

9.13.10. 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.

9.13.11. 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.

9.13.12. 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**.

- 9.13.13. During the **operational phase**, additional vehicular movement associated with the 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.
- 9.13.14. 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

- 9.13.15. 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.
- 9.13.16. 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.

- 9.13.17. 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

- 9.13.18. 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.
- 9.13.19. 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.
- 9.13.20. 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

- 9.13.21. 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.

9.13.22. 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

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

Waste Management

9.13.24. 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.

9.13.25. 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.

9.13.26. 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

9.13.27. 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

9.13.28. 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.

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

Predicted effects

9.13.30. 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).

- 9.13.31. The Masterplan project would also generate approximately 163,490m³ of excavated material, of which Site 2 represents c.133,565m³ (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.
- 9.13.32. 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 (8%) will be for disposal (Table 14.2). The figures for Site 2 are 2,640t (total), with 600t (23%) to be reused, 1,792t (68%) for recycling and 248t (9%) for disposal, representing similar percentage breakdowns.
- 9.13.33. 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). 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 Office units would produce 130.6m³ per week and the retail units/restaurants/cafes would produce 93.57m³ per week (Table 14.3).
- 9.13.34. 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.

- 9.13.35. 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.
- 9.13.36. 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.
- 9.13.37. 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

- 9.13.38. 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.
- 9.13.39. 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.
- 9.13.40. 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.

- 9.13.41. 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

- 9.13.42. 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 sub-contractors are segregating waste as required.

Cumulative impacts

- 9.13.43. No significant cumulative impacts are anticipated.

Material Assets – Conclusions

- 9.13.44. 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. Landscape

- 9.14.1. 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.”

9.14.2. I would advise the Board that there is a significant overlap with sections 8.5, 8.6, 8.7, 8.8, 8.9 and 8.10 above, and this section should therefore be read in conjunction with same.

Receiving Environment

9.14.3. I refer to Board to Sections 2.0 and 8.5 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.

9.14.4. 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.

9.14.5. Site 2 (1.39ha) forms the eastern portion of these lands. It 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.

9.14.6. 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.

- 9.14.7. 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.
- 9.14.8. 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

- 9.14.9. 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.
- 9.14.10. 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. All of the retained structures will be repaired, restored and refurbished in accordance with best conservation practice. It is proposed to excavate to a depth of 35m underneath Site 2, for a length of 120m, to create a structural box which will accommodate the O'Connell Street Metrolink station in due course.

- 9.14.11. It is proposed to construct two separate buildings (2AB and 2C), with footprints stretching from O'Connell Street to Moore Lane which would be c.6 storey and 6-8 storey in height respectively, (with an enclosed plant area above 2C which would also accommodate telecoms infrastructure), with recessed elements at the street frontages. The O'Connell Street elevation would comprise a mix of the retained facades and new infill elements. The proposal includes the creation of a new street between the two buildings linking O'Connell Street and Moore Lane and onwards, via a public square, to Moore Street. A further public space would be created in the area around the refurbished Reading Room.
- 9.14.12. The Dublin Central 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.
- 9.14.13. In terms of potential **visibility**, **19 no. viewpoints** were considered with respect to the development of Site 2. 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. The main impacts arising may be summarised as follows:

View 1. Parnell Square Northwest (270m distance) – EIAR assessed Extent of effects as 'Moderate' – The view looks southwards from the NW corner of Parnell Square. I would agree that the new hotel which has recently been permitted to add two additional floors (ABP303553), increasing the height to 9 storeys, would

dominate the view and that the proposed 2C building would appear as being of a similar scale from this location. I agree with the 'moderate' impact assessment.

View 2. Parnell Square North (280m distance) - EIAR assessed Extent of effects as 'Imperceptible to Slight' – The view looks south from the eastern end of Parnell Sq. Nth and from the Garden of Remembrance. Part of the plant on 2C would be visible through the trees. I agree with the 'Imperceptible to slight' impact assessment.

View 3. O'Connell Street at Parnell Monument (100m distance) – EIAR assessed Extent of effects as 'Moderate to Significant' – The view looks southwest from the pavement at the junction of O'Connell Street and Cavendish Row, with the monument in the centre ground of the view. Upper parts of the 2AB and 2C buildings are visible in the centre of the view, above and behind the existing buildings and trees on O'Connell Street, which currently form the backdrop to the monument. The EIAR considers that although the proposed development will result in significant change in the visual character of O'Connell Street, given the considerable extent of new development in the area, some observers may regard the proposed development as being consistent with existing and emerging trends. As such the landscape and visual effects are assessed as 'moderate.'

As discussed in the planning assessment above (8.9/8.10), the proposed buildings, and in particular building 2C, would protrude above the parapets and roof lines of the buildings fronting onto O'Connell Street. As noted previously, the buildings and facades of the O'Connell Street streetscape, many of which are protected or on the NIAH, form an integral of the ACA and positively contribute to the heritage value of the street. A defining feature of the O'Connell St. ACA is the consistency and uniformity of the parapet heights, which it is an objective of the planning authority to maintain. The guidance for O'Connell Street is to respect the coherent design approach advised in the streets reconstruction which restricted the height adopted common corners and string courses and use of materials. The key design principles for Site 2 are based on the retention and restoration of the historic facades and the maintenance of the prominence of the frontage buildings, with the taller elements recessed above and behind the parapets. However, from this location, it is clear that the proposed buildings would form a visibly prominent cluster of new development above and behind the parapets of the facades that are to be retained.

As noted in the planning assessment (8.9), it was considered that the amended design of the upper floor elevations of 2AB (July 2023) would provide for a more consistent and simplified design with the use of full height glazed panels with stone pilasters and differentiation by means of lighter and darker shades, which would help these floors to integrate into the streetscape more successfully. Although these floors are visible from VP3, they are not overly prominent due to their design, materiality and distance.

The upper floors of 2C are more prominent, however, with a 'blocky' design, clad in red brick and a loggia feature which is visually obtrusive and increases the prominence of the recessed rear building elements. The visual effect of the upper floors of 2C would be to highlight the fact that it is only the facades that are being retained, with substantial buildings evident to the rear, which would diminish the status of the historic structures in the streetscape and create visual clutter and confusion. Furthermore, by reason of its height, scale and massing, the new development would dominate the scale of the retained protected facades and urban grain of the streetscape, which are positive attributes of the character of the ACA. The prominence of the Parnell Monument, a Protected Structure which is in the middle of the street, would also be diminished by the nature and scale of the buildings in the background. It is considered that the proposed development would, therefore, permanently alter the character of a highly sensitive aspect of the environment.

As such, it is considered that the extent of the landscape and visual effects from this location would be 'significant' or 'very significant' (as defined at 12.2.4). I do not agree that it would be 'moderate' on the basis of being consistent with the change that is emerging, as any such changes in the O'Connell Street streetscape (as opposed to the wider area) would arise from the development proposals that are currently before the Board.

As discussed in the planning assessment above, I would recommend that the height of 2C be reduced by one storey together with the omission/relocation of the plant enclosure and equipment, and the omission of the NW loggia. These amendments would reduce the impact to a less significant level and in light of the overall public benefit to the area, would be acceptable. In the absence of mitigation, the impact would be significant or very significant.

View 4. O’Connell Street at Cathal Brugha Street (40m distance) – EIAR

assessed Extent of effects as ‘Moderate to Significant’ – This view is from the corner of O’Connell Street and Cathal Brugha Street (in winter conditions) and is similar to 4a, which is taken in summer conditions with the trees in leaf. It is acknowledged in the EIAR that the proposed development would result in a significant change in the visual character of O’Connell Street, but the retention of the facades is seen as a positive benefit to the character of the street and 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 disagree as the height, scale and massing of 2C, which protrudes in a prominent manner above and behind the parapets of the retained facades would result in visual clutter and confusion and would adversely affect the character of the streetscape and the setting of the protected structures in the vicinity. To avoid repetition, I would refer the Board to the discussion under VP3 above.

The potential landscape and visual effects are, therefore, considered to be ‘significant’ or ‘very significant’. However, the recommended amendments, to reduce the height, scale and massing and omit the loggia, if implemented, would reduce the impacts to an acceptable level. In the absence of mitigation, the impact would be significant or very significant.

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.

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 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 are also considered to result in positive visual and townscape impacts. To avoid repetition, I would refer the Board to the discussion under VP3 above.

View 5. Cathal Brugha Street near O'Connell Street (60m distance) – EIAR assessed Extent of effects as 'Moderate to Significant' – This view looks west from Cathal Brugha Street directly across O'Connell Street and is based on winter conditions. No. 42 O'Connell Street (PS) is in the centre of the view and the NW section of 2C occupies the left half of the view, with further recessed upper floors and the new façade (street level) to the extreme left. The facades of Nos. 43, 44 and 45 are retained. It is noted that during the summer, the facades up to parapet level will be largely obscured by trees, with the upper floors visible. However, it should be noted that No. 42 O'Connell Street, described as the last surviving Georgian house from Sackville Mall, would not be obscured by trees. The EIAR acknowledges that the 2C development would result in a significant change in the visual character of O'Connell Street when observed from this location. However, the retention of the facades and introduction of new facades are seen as positive benefits to the character of the street and 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 disagree with this assessment. It is considered that the scale, height and massing of 2C, particularly the NW element and the visually prominent loggia feature, where the upper recessed floors protrude above the parapet line and tower over No. 42 O'Connell Street, would result in a very significant negative effect on the character of the streetscape and ACA and in particular, on the setting of the

Protected Structure at No. 42 O'Connell Street. This matter has been discussed in detail in section 8.9 and 8.10 above, and to some extent under VP3/VP4 above, and to avoid repetition, I would refer the Board to these sections.

The potential landscape and visual effects are, therefore, considered to be 'very significant' in the absence of mitigation. It is considered that the revisions to the loggia as submitted with RFI would not adequately mitigate these impacts. However, the recommended amendments to reduce the height, scale and massing and omit the loggia and plant area, would reduce the impacts to a more acceptable level.

View 5a. Cathal Brugha Street (150m distance) – EIAR assessed Extent of effects as 'Moderate to Significant' – This view is taken from further to the east along Cathal Brugha Street (summer conditions). It is considered that the landscape and visual effects are equally as significant as those at VP5, but as the NW section of the upper recessed floors and No. 42 are in the centre of the view and framed by the buildings on either side of Cathal Brugha Street, it is considered that the negative effects are even more evident. To avoid repetition, the Board is referred to the discussion under VP 5 above.

The potential landscape and visual effects are, therefore, considered to be 'very significant'. It is considered that the revisions to the loggia as submitted with RFI would not adequately mitigate these impacts. However, the recommended amendments to reduce the height, scale and massing and omit the loggia, if implemented, would reduce the impacts to an acceptable level.

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 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. 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. The predicted landscape and visual effects are therefore assessed as 'moderate.'

It is considered that the view from this location is dominated by the GPO, the Spire and the expanse of O'Connell Street. The upper floor recessed elements 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. In addition, the recommended amendments to reduce the height, scale and massing of 2C as discussed above, if implemented, would further mitigate the impact. I would therefore agree with the predicted assessment of 'moderate' in the absence of mitigation.

View 7. O'Connell Street at Abbey Street (200m distance) – EIAR assessed

Extent of Effects as 'Slight to Moderate' – This view looks northwest from the eastern pavement of O'Connell Street at the junction with Abbey Street Lower (summer conditions). The EIAR notes that upper parts of the development are visible in the middle distance in the centre of the view and is therefore a minor but noticeable element in the view. It is considered that it would give rise to a change in the visual character of O'Connell Street, but in the context of the bustle of activity on the street, only a limited number of observers are likely to notice the development from this location. The predicted landscape and visual effect is therefore assessed as 'slight to moderate'. I would agree with this assessment.

View 8. O'Connell Bridge (360m distance) – EIAR assessed Extent of effects as

'Moderate' – This view looks northwest from a traffic island on the south side of Burgh Quay at its junction with O'Connell Bridge and D'Olier Street (summer conditions). The upper floors of the proposed buildings are seen at a distance in the centre of the view and is noted as being a minor but noticeable element in the view. It is considered that it would give rise to a change in the visual character of O'Connell Street, but in the context of the bustle of activity on the street, only a limited number of observers are likely to notice the development from this location. The EIAR assesses the impact as 'moderate' given the extent of new development in the area.

I would generally agree with the assessment of the impact on this view. However, it is noted that the upper floors are noticeable above and beyond the portico of the GPO. It is considered that this could cause some confusion and detract from the prominence of the GPO from this location. Notwithstanding this, the recommended amendments to reduce the height, scale and massing of 2C as discussed above, if

implemented, would reduce the impacts to an acceptable level. I would therefore agree with the assessment of 'moderate' in the absence of mitigation.

View 9. Cavendish Row (Parnell Sq. East – 120m) – EIAR assessed Extent of

effects as 'Moderate' – This view looks south from the eastern pavement of Cavendish Row opposite the Gate Theatre (winter conditions). The view looks towards the Parnell Monument and the Spire, which form the central focus, with the buildings on either side of O'Connell Street and Cavendish Row framing the view. The upper floors of the proposed buildings, particularly 2C are clearly visible on the right-hand side but are not the focus of the view. The EIAR considered that it would result in visual change to O'Connell Street, which would be perceived as part of an emerging trend of new development and therefore give rise to a 'moderate' impact.

I would agree with this assessment up to a point, as it does not take account of the fact that Building 2C would alter the setting of several protected structures from this location. However, the recommended amendments to reduce the height, scale and massing of 2C and to omit the loggia, as discussed above, if implemented, would reduce the impacts to an acceptable level. I would, therefore, consider that the impact would be 'moderate to significant' in the absence of mitigation.

View 10. Parnell Sq. West (95m distance) – EIAR assessed Extent of effects as

'Moderate' – This view looks south from the western pavement of Parnell Square West opposite the entrance to the Rotunda Hospital. The 2C building is clearly visible in the centre of the view. There are several buildings within the view that are prominent such as the buildings forming part of the Rotunda to the left and Jury's Inn (now Leonardos) and the new hotel on Parnell Street (Point A) to the right. It is noted that the Point A Hotel has been extended with two additional floors (now 9-storeys) since the original submission (Oct 22), which was under construction when the RFI was submitted (July 2023). The EIAR considers that the tallest part of 2C should be seen in the context of the recently extended hotel, and although some change will occur in the character of Parnell Street and Parnell Square West, the impact is assessed as 'moderate' as other buildings are prominent in the view.

I would generally agree with this assessment, particularly as the Point A Hotel has since been extended. However, the recommended amendments to reduce the height, scale and massing of 2C and to omit the loggia, as discussed above, if

implemented, would reduce the impacts to a more acceptable level. I would, therefore, consider that the impact would be 'moderate' in the absence of mitigation.

View 11. Moore Street looking into O'Rahilly Parade (80m distance) EIAR

assessed Extent of effects as 'Moderate' – This view looks east from the west side of Moore Street into O'Rahilly Parade. The rear of the 1960s office block and Moore Lane carpark form the focus of the current view. The tallest part of 2C would replace the office block in the centre of the view. The EIAR assesses the impact as 'moderate' on the basis of the considerable extent of new development, whereby it would be seen as part of an emerging trend. I would agree with this assessment.

View 12. Moore Street looking towards the National Monument (65m distance)

EIAR assessed Extent of effects as 'None' – This view looks northeast along Moore Street towards the National Monument from the junction with Samson's Lane. The proposed development is not visible from this location and the impact is assessed as 'none'. I would agree with this assessment.

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, but the rear of No. 61 Upper O'Connell Street is in the centre of the view, at the end of the lane. This building is proposed to be renovated and altered under 318268, (concurrent application/appeal part of Masterplan), including the introduction of a 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, it should be noted that this impact arises from a related development and that the proposed development of Site 2 is not visible from this location, and as such, the landscape and visual impact should be assessed as 'None'.

View 13. Henry Street at Liffey Street (245m distance) EIAR assessed Extent of

effects as 'None' – This view looks east along Henry Street from the junction with Liffey Street. However, the proposed development of Site 2 is not visible from this location and as such, the impact is assessed as 'None'. I would agree with this assessment.

View 14. Parnell Street at Dominick Street (195m distance) EIAR assessed

effects as 'None' – This view looks east from the central reservation of Parnell Street with the junction of Dominick Street. However, the proposed development of Site 2 is not visible from this location and as such, the impact is assessed as 'None. I would agree with this assessment.

View 15. Sean McDermott Street at Gardiner Street (400m distance) EIAR

assessed Extent of effects as 'Slight to Moderate' – This view looks west along Sean McDermott Street from the junction with Gardiner Street. The tallest element of 2C (NW corner) is visible in the centre of the view at a distance. The EIAR considered that it would result in a small change to the character of Sean McDermott Street and that the visual and landscape effects would be assessed as 'slight to moderate'.

I would agree with this assessment and note that the recommended amendments to reduce the height, scale and massing of 2C and to omit the loggia, as discussed above, if implemented, would further reduce the impacts to a more acceptable level. It is considered that the impacts would be 'slight to moderate' without mitigation.

View 16. Marlborough Street at North Earl Street (240m distance) EIAR

assessed Extent of effects as 'None' – This view looks west along North Earl Street from Marlborough Street. However, the proposed development of Site 2 is not visible from this location and as such, the impact is assessed as 'None. I would agree with this assessment.

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

- 9.14.14. Overall, the potential landscape and visual effects arising from the development of Site 2 are assessed in the EIAR as being 'moderate' to 'significant', reducing to 'slight' in extent at locations that are some distance from the site (12.5.2.3). As the visibility from four of the viewpoints would not be possible, the impacts from these locations are assessed as 'none'. The impacts from Parnell Square range from 'slight' to 'moderate' and the impacts along the O'Connell Street axis range from 'slight' to 'significant', with 'moderate' impacts south of the GPO and 'significant' impacts from Cathal Brugha Street.

- 9.14.15. It is predicted that the greatest change to the townscape and hence the greatest potential for landscape and visual impacts is likely to arise on O'Connell Street between the Parnell Monument and Henry Street. However, these impacts were considered in the EIAR to be likely to be perceived by the general public as acceptable given the extent of new development which is planned or has occurred in the overall area, and that the proposed development would be seen as part of an emerging trend of new development. No mitigation was therefore proposed.
- 9.14.16. I would agree that both buildings would be openly visible along the O'Connell Street axis and that the visibility will reduce with distance. However, I consider that that landscape and visual effects are likely to be greater than those envisaged by the EIAR at VPs 3, 4, 5 and 5a, with 'Significant' or 'Very Significant' effects likely to arise rather than 'Moderate to significant' effects. This is due to the high visual sensitivity of the O'Connell Street frontage, which is designated as an ACA and supports several protected structures and is strictly regulated by planning policy for the area.
- 9.14.17. However, implementation of the amendments to Building 2C as recommended above, (i.e. reduction of height by one storey, removal/relocation of the plant/enclosure and the omission of the loggia at the NW corner), would mitigate the effects at these locations to 'Moderate to significant'. Furthermore, these suggested amendments to the scheme would further mitigate the impacts at VP6, VP7, VP9, VP10 and VP15 by reducing the landscape and visual effects at these locations.
- 9.14.18. The visual impacts during demolition and construction are assessed in the EIAR as being similar to the operational phase (12.5.2.5). However, the character of the impacts is predicted to be wholly negative at first, becoming neutral to positive as work proceeds and the new buildings and structures become apparent. Mitigation will be employed in terms of hoardings with depictions and artists impressions of the final scheme displayed.

Residual Impacts

- 9.14.19. 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

9.14.20. Potential cumulative landscape and visual impacts may arise from the development of other parts of the Dublin Central Masterplan in combination with other plans and projects, such as the hotel at the northern end of Moore Lane, which has recently been extended to a height of 9 storeys. Such potential cumulative impacts have been considered as part of the LVIA in the EIAR and as discussed above. Following mitigation as discussed, no unacceptable cumulative impacts are likely to arise.

Landscape – Conclusion

9.14.21. The appellants and observers have raised concerns regarding the impact of the proposed development on the visual amenities of the area. In particular, concerns focussed on the inappropriate height, scale, massing and design of the proposed buildings and the resultant impact on the sensitive historic environment of O'Connell Street and the site of the 1916 Urban Battlefield.

9.14.22. The proposed development will undoubtedly result in significant change to the townscape and visual character of the area. It is considered, however, that the design and layout of the scheme, subject to amendments as discussed above, is generally respectful of the culturally and historically sensitive character of the area, in terms of the retention of historic facades and the established urban grain of the historic laneways and the maintenance of the established parapet heights on O'Connell Street. It is also considered that the introduction of large-scale employment and active retail/restaurant uses, together with the considerable enhancement of the public realm, will deliver significant public benefit to the city and the area and that the scale of the proposed development is required in order to facilitate the regeneration of the strategic city centre site. The facilitation of the future metro station and increased permeability of the area will also help to restore the vibrancy of this urban block.

9.14.23. 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.

9.15. Cultural Heritage – Architectural Heritage

- 9.15.1. Chapter 15 (updated) of the EIAR addresses Cultural Heritage – Architectural Heritage. The Board is advised that there is a significant overlap with Sections 8.5 - 8.10 inclusive of the Planning Assessment and with Section 9.14 (Landscape and Visual Impacts) of the Environmental Impact Assessment above. As such, they should be read in conjunction with each other.

Receiving Environment

- 9.15.2. The site is as previously described above comprising the easternmost section of the Dublin Central Masterplan area. It contains six protected structures within the site, Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper. It is bounded by the Protected Structures of No. 42 O'Connell Street and O'Connell Hall to the north and by No. 60 and 61 O'Connell Street to the south, and to the rear of the National Monument on the opposite side of Moore Lane to the west. Two recent additions were made to the RPS in the 2022 CDP. Nos. 17-18 Henry Place which is located on the corner of Moore Lane and Henry Place – Commercial premises, former bottling stores – the ground floor facades to Henry Place and Moore Lane are protected (RPS8907). Nos. 4-8 Henry Place (RPS 8906), which is located to the rear of No. 61 O'Connell Street Upper (former O'Brien's Mineral Water Factory) – 19th century ground floor facades to Henry Place are protected. 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).
- 9.15.3. There are several other buildings/structures which are considered to be of cultural, architectural, social, historical or artistic significance 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. Their descriptions are also summarised in section 8.5 above.
- 9.15.4. Table 15.3.1 (and Fig. 15.3.11) of the EIAR provides a summary of the characteristics and significance of the buildings and structures within and adjoining

Site 2, including the basis for the categorisation. The only building within Site 2 listed as of 'high significance' is the Reading Room. Buildings 'Of Significance' include Nos. 43-49 O'Connell Street, the front section of the Carlton site, Nos 57 and 58 O'Connell Street and the Regency Annex. The remainder of the former Carlton cinema, No. 55-56 O'Connell Street, the Edwardian carport behind No. 59 O'Connell St. and No. 60a O'Connell St. are all listed as of 'moderate significance'. The buildings outside the site which are of 'high significance' are No. 61 O'Connell Street, No. 42 O'Connell St., O'Connell Hall, and Nos 6-8 Moore Lane as well as the historic laneways of Henry Place, Moore Lane and O'Rahilly Parade. The recently added PS, No. 17-18 Henry Place, is listed as of 'moderate significance'.

9.15.5. A summary of the site's contribution to 1916 is provided at 15.3.2.5. The site 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.
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, are found to possess architectural significance.

9.15.6. At present Site 2 is subject to considerable vacancy and decline (see Fig. 15.5.3 page 15.128 EIAR). Much of the O'Connell Street frontage is largely occupied with retail units, but the upper floors and basements are generally not purposefully used. The presence of vacant plots erodes the cohesion of the streetscape. The building frontage onto Moore Lane is dominated by inactive frontages with corresponding anti-social consequences for the adjoining public realm. The overall composition of Site 2, therefore, undermines the wider urban fabric.

- 9.15.7. In a 'Do Nothing Scenario', the site and buildings would remain unchanged with the possibility of deteriorating fabric and further dereliction with negative impacts on the quality of the immediate surroundings.

Predicted Effects

Extent of Demolition

- 9.15.8. The proposed development involves the demolition of a substantial number of buildings which would result in the permanent loss of historic fabric and buildings which form an integral part of the historic built environment. The extent of demolition is justified on the basis of the proposal to accommodate the metro box underneath Nos 43-59 O'Connell Street and having regard to the extent of demolition permitted under the previously permitted scheme for this site. Thus, in considering the impact of the demolition of substantial sections of the western part of Upper O'Connell Street, regard must be had to the achievement of substantial public benefit in facilitating the delivery of the Metrolink project in combination with the applicant's oversite development of Sites 2AB and 2C, which would deliver the regeneration of the strategic city centre site and would halt the decline. This would result in considerable positive impacts for the retained historic fabric and the character and appearance of the ACA.
- 9.15.9. Notwithstanding the considerable extent of demolition, certain structures which had been scheduled for demolition under PL29N.232347 are now to be retained, including the Reading Room and Nos. 59 and 60 O'Connell Street. It is regrettable that buildings of significance from the progressive period of architectural design of the 1920s, together with remnants of an earlier period of 18th century excellence will be lost or substantially lost. Every effort has been made, however, to retain historic fabric, which is both protected and not protected, including protected facades, buildings of cultural and historic interests and shopfronts of merit.

Demolition of Individual Buildings

- 9.15.10. Table 15.5.1 of the EIAR sets out the potential impacts for each individual building within the Masterplan which are on the RPS or included in the NIAH. A more detailed description of the impacts is given in 15.5.2.2.

- 9.15.11. The proposed development would result in the demolition of all fabric behind the facades of **No. 43, 44, 45 O'Connell Street** resulting in the permanent loss of 18th century townhouse basements (but retention of lightwells) and of 20th century buildings of significance. The front facades of Nos. 43 and 44 are on RPS and all three of the buildings are on NIAH (Regional). The mews buildings at the rear fronting Moore Lane would also be lost. Each of these buildings would also require temporary protection of the retained facades. In the case of No. 43, it would also require the temporary removal of the wall support to the gable of No. 42 O'Connell Street. This would result in the loss of historic fabric of architectural significance which is required to give effect to the proposed development. The front facades will be protected and retained. The conservation of the O'Connell Street facades is positive, but the removal of the remainder of these buildings will have a permanent negative impact on their completeness, authenticity and legibility.
- 9.15.12. The demolition of **Nos. 46-49** and of the flanking early walls of **Nos. 50-51** would enable the redevelopment of these plots, which will be subsumed within the new pedestrian E-W street. Nos. 46-49 was identified in the Masterplan as being of architectural significance but is not included in the RPS or NIAH. The 1970s building makes a neutral contribution to O'Connell Street but detracts from the character of Moore Lane. Its demolition and replacement will facilitate the proposed development which will bring increased activity to the street and positively engage with the street frontage. Overall, the impact will be positive on the ACA.
- 9.15.13. The demolition of all of the fabric to the rear of **Nos. 52-54 O'Connell Street Upper** (former Carlton cinema) will result in the loss of 20th Century fabric of modest significance. It will also necessitate the temporary protection of the retained façade. The most important element of the building is the art deco inspired front façade which was identified as of architectural significance and will be retained and restored. The upper floor front façade is on the RPS, and the building is included in the NIAH (Regional). The demolition of the building fabric behind the façade will result in the loss of some elements of interest such as a cement lathed ceiling system, but its removal is necessary to facilitate the proposed development. The restoration of the façade is positive, but the removal of the interior of the building will have a permanent negative impact.

- 9.15.14. No. **50-56 O'Connell Street** is not on the RPS but is on the NIAH (Regional). Its value seems to relate mainly to being part of the early 20th century architectural scheme for the reconstruction of O'Connell Street. However, it has been assessed as being of limited significance and its removal is necessary to facilitate the proposed development. Given the limited interest attributed to this building, its demolition and replacement presents an opportunity to construct a high quality contemporary architectural building which will form part of the wider regeneration of the site and will have a positive impact on the ACA.
- 9.15.15. **No. 57 O'Connell Street** is of architectural significance and is on the RPS (front facade) and the building is on the NIAH (Regional). The front facade will be retained and restored but the remainder of the building will be demolished behind the facades. This will result in the permanent loss of 18th century townhouse basements, 18th and 19th century fabric and 20th century buildings of significance. The proposal will also require the temporary protection of the retained facades. The removal of the buildings behind the facades is necessary to facilitate the proposed development. The replacement building will provide for multi-use development in support of the delivery of more vibrant streetscapes.
- 9.15.16. At the rear of the plot, an original frontage onto Moore Lane was modified to create two wide vehicular openings with earlier fabric fragmented and limited to framing piers, one section allegedly bearing a mark of a bullet hole from the 1916 Rising (unproven). It is stated that it may be possible to salvage the pier for display elsewhere and to demarcate the site as part of a historic walking trail. The removal of the building behind the façade is necessary to facilitate the development and the conservation of the façade will have a positive impact. However, the removal of the remainder of the building will have a permanent negative impact.
- 9.15.17. **No. 58 O'Connell Street** is also of architectural significance and the façade is on the RPS and the building is on the NIAH (Regional). In conservation terms, the proposal would result in the loss of a well-crafted intact building that is assessed as significant, but its removal is balanced by the socio-economic benefits of the development. The conservation of the façade will have a positive impact but the removal of the remainder of the building, including the rear building fronting onto Moore Lane (a former shopfront), will have a permanent negative impact on the building's appreciation as a complete entity.

- 9.15.18. **Buildings to rear of 59 O’Connell Street** – The Reading Room (rear of No. 59) will be retained and refurbished for use as a café/restaurant. However, it is proposed to demolish certain structures to the rear of No. 59 described as a 19th century annex and an early 20th century carport. The annex is a 2-storey structure with a hipped roof and is perpendicularly attached to the extended rear return of No. 59 (outside of the site). It is submitted that this structure is not of architectural interest and its removal will not diminish the character of the main house at No. 59 O’Connell Street. The carport is adjacent to the Reading Room and is not of any significant interest. The removal of these structures is necessary to facilitate the proposed development, particularly in terms of giving a sense of presence to the retained and refurbished Reading Room and facilitating the escape stairwell for the proposed metro station.
- 9.15.19. **No. 60a O’Connell Street** – it is proposed to demolish this building which stands on the corner of Henry Place and Moore Lane and was probably a former coach house/stable building associated with No. 60. The removal of this structure is required to facilitate access to the development for maintenance and fire emergency vehicles which would otherwise be restricted. It is of 18th century origin and attests to the original relationship between the main houses and Moore Lane. It also upholds the alignment of the historic street corner and is significant with respect to the 1916 battlefield site. Its removal will diminish the legibility of the historic building line and alter the character of what is presently a relatively enclosed space, with the impact mitigated to an extent by the proposed landscaping measures. As noted in the planning assessment above (8.9), it will be necessary to demarcate the historic building lines more clearly and sensitively to adequately mitigate the impact of the loss of this building.

Site Excavations

- 9.15.20. The site excavations which are required to give effect to the proposed development will result in the loss of early 20th century buildings which is regrettable. However, they will facilitate the regeneration of the urban block with significant positive benefits to the city and the area and will also facilitate the future provision of the O’Connell Street Metrolink station.

Façade Retention

- 9.15.21. All facades included on the RPS and No. 45 O'Connell Street will be retained.

Although façade retention is not a preferred strategy, the demolition of the building fabric to the rear of these facades is required to deliver the proposed development. The design of the façade retention strategy has emphasised the preservation of the classical scale and Georgian proportions of the earlier street as part of an externally unified design approach.

- 9.15.22. The EIAR noted the challenges involved in constructing new buildings behind the retained facades. It is stated that it is not possible to reinstate floorplates in their original locations on account of variations in levels across adjoining plots, which are to be amalgamated into the proposed development.

“ The new floors have however been strategically positioned to avoid clashing with existing windows, in order to retain the visual integrity of spaces behind facades, as viewed from within the public realm of the ACA at night.” (15.5.2).

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

- 9.15.23. The Construction and Demolition Management Plan will be finalised once the contractor is appointed. This will take into account the protection of the retained facades and structures within the site and those immediately adjoining the site in accordance with best practice conservation methodologies. Detailed recording of the structures prior to demolition and methodologies based on best conservation practice will minimise the adverse impacts on the cultural heritage of the area. The potential impacts of ground movements on structures of historical significance have been assessed as negligible but will in any case be monitored throughout the construction and demolition programme. Construction stage impacts will undoubtedly be disruptive but are envisaged as being short term. However, the proposed development will provide an enhanced urban environment on completion. This will 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.
- 9.15.24. The proposed development will have a transformative impact on the character of O'Connell Street, helping to re-establish it as a place of central and civic importance to the city, due to the nature and scale of the development and as it encompasses

much of the western side of upper O'Connell Street. 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 identity of O'Connell Street will be protected and enhanced by retaining and restoring the historic street frontages and protected facades, which will be interwoven with high quality contemporary architecture to re-establish it as a fitting focal point for national gatherings and celebrations of civic importance.

- 9.15.25. The policies of the O'Connell Street ACA will be adhered to in terms of the introduction of a balanced range of uses with a beneficial impact on the streetscape, the introduction of a new street which will improve connectivity and permeability, and adherence to the policies on shopfront design and signage strategy (as set out in Appendix 4 of the Dublin Central Masterplan Design Statement). The present lack of positive activity within the urban block has contributed to anti-social behaviour which adds to the sense of dereliction. The improved permeability and increased footfall will facilitate the successful occupation of Moore Lane and support a well-designed network of quality urban spaces.
- 9.15.26. The lack of active street fronts on Moore Lane has increased over time, with newer development focussing on the O'Connell Street frontage and the buildings to the rear not fully engaging with Moore Lane, which has had a lasting impact on the quality of the streetscape. A few remaining plots with facades that do address the laneway are either unoccupied or concealed behind security shutters with limited interactions with the street. The fragmented remnants of brick piers and calp limestone are a testament to the former uses and activity along the street. The proposed development seeks to recreate this particular character by using similar materials and keeping the width of the lane mostly as at present. The retention of some buildings on the western side (Site 4) and their adaptation, together with new uses will help to enliven the street and support the National Monument in its future role as a commemorative centre. Historic setts and granite kerbstones will be identified and retained for reuse in the relaying and resurfacing of the streets.
- 9.15.27. The character of Moore Lane will be greatly altered by the proposed development. It is considered, however, that this intervention is necessary for the Dublin Central

Masterplan to succeed as a new vibrant quarter, which will be facilitated by the reintroduction of an active street frontage.

- 9.15.28. Henry Place has a similar character to Moore Lane. The proposed interventions, including the demolition of 60a O'Connell Street, will have a significant impact on the sense of enclosure, which has particular relevance to the 1916 Battlefield site. It is proposed to mitigate this loss by reinforcing the legibility of the historic street surfaces, including reinstatement and supplementation of the original setts and kerbs, which will enhance the architectural character of Henry Place. In addition, the introduction of a pocket square will enhance the setting of the Reading Room, which is to be refurbished and used as a café/restaurant. The proposed conservation of this building's fabric and its refurbishment for a new adaptive use will reinstate its integrity, will allow it to be appreciated within this enhanced public realm and will result in a significantly positive impact.
- 9.15.29. In terms of the wider townscape, the introduction of new active street frontages and increased permeability will help to increase access to Moore Street Market and will facilitate its restoration in due course. The setting back of the upper floors of the buildings fronting O'Connell Street is intended as mitigation of the visual change arising from the significant increase in height, scale and massing of the buildings to the rear of the retained facades. The cultural heritage of the street will be largely preserved by the retention of the historic facades coupled with the maintenance of the parapet heights along the street frontage.
- 9.15.30. The visibility of Building 2C from sensitive locations such as Cavendish Row, Parnell Monument, Cathal Brugha Street, has been discussed in detail in the preceding LVIA section (9.14) and in the planning assessment above, (8.9 and 8.10). The EIAR (15.6.2.1) draws attention to the existing condition of the buildings and vacant plots between No. 37 O'Connell Street (former Bank building) and No. 42 (with its exposed gable) and the visibility of 2C and submits that mitigation will be provided in the operational phase in the form of screening by the development of Site 1. As discussed previously, the application for Site 1 has not yet been made.
- 9.15.31. It is further submitted that the proposed colonnaded loggia at the north-western corner of 2C is intended as mitigation of the impact of visual change arising from the taller element of the proposed building at this location. However, as discussed in

detail previously, it is considered that this element exacerbates the height, scale and massing of this element rather than mitigating it, and I have suggested that this feature be omitted, together with a reduction in height of 2C by one storey and the relocation of the roof plant. It is considered that these amendments would effectively mitigate the increased height, scale and massing at this location.

Residual Impacts

- 9.15.32. The demolition of individual buildings and the large extent of demolition will result in a significant and irreversible loss of fabric. Removal and replacement of internal fabric in the buildings to be retained will comprise a permanent loss of fabric. The losses will be balanced by the benefits of regeneration of this large urban block. The potential residual impacts arising from demolition will be mitigated by the careful coordination and sequencing of the demolition, excavation and construction works (as set out in the OCDMP).
- 9.15.33. The construction of new buildings of a scale, height and massing greater than that prevailing in the vicinity will result in long term visual impacts on the receiving environment. The most significant impacts will be from the northeast (Cavendish Row and Parnell Monument) and from the east (Cathal Brugha Street). These impacts will be largely mitigated by the maintenance of the parapet heights along O'Connell Street and the recessing of the taller elements behind the retained facades and by further amendments to reduce the height, scale and massing of 2C as discussed above.
- 9.15.34. The visual setting of the National Monument (Nos. 14-17 Moore Street) will be altered by the western elevation of Site 2, whereby views from upper rooms and the connection with the rear of the O'Connell Street buildings will be changed. The proposed development will alter the amenity of No. 42 O'Connell Street (PS) due to the scale and intensity of the new building in close proximity to the boundary. Table 15.7.2 of the EIAR points out that the proposed development represents a significant lessening on such impacts when compared with the previously permitted scheme for the site, as the extent of encroachment is significantly reduced and a more generous setback for excavations has been provided.
- 9.15.35. The proposed development will result in the loss of surviving pre-1916 fragments embedded within post-1916 structures along the eastern side of Moore Lane.

Although the amount of fabric surviving is minimal, the removal of building fabric having an emotive collective association with the framing of the battlefield site is likely to result in controversy. However, the advancement of the regeneration project and the proposed Metrolink station could not succeed if these wall fragments remain in place.

- 9.15.36. The most intact structure from the 1916 period is the partial stable building at 60a O'Connell Street, which is to be demolished. This will result in the greatest morphological change to the townscape of Moore Lane and in the loss of legibility of the 1916 Battlefield site. However, its removal is deemed critical to emergency and servicing access from Henry Place to Moore Lane. The decision to remove this building is balanced against the retention of the building on the opposing corner, No. 17-18 Henry Place, façade recently entered onto RPS, and the enhanced setting of the Reading Room, as one or other of the buildings would have to be removed for operational reasons.

Cumulative Impacts

- 9.15.37. Potential cumulative cultural heritage impacts may arise from the development of other parts of the Dublin Central Masterplan in combination with other plans and projects, such as the hotel at the northern end of Moore Lane, which has recently been extended to a height of 9 storeys. Such potential cumulative impacts have been considered as part of the Cultural Heritage assessment in the EIAR and as discussed above. Following mitigation as discussed, no unacceptable cumulative impacts are likely to arise

Cultural Heritage Architectural Heritage - Conclusions

- 9.15.38. The third-party appellants and observers considered the predicted impacts on cultural heritage to be unacceptable, particularly due to the extent of demolition and loss of historic built fabric, the height, scale, massing and design of the new buildings and the resultant adverse effects on the 1916 battlefield site. As stated previously, the extent of demolition on Site 2 is very significant and impact is intensified by the need to demolish all structures scheduled for demolition before any redevelopment commences on site. The justification for this is based on the extent of excavation needed to construct the Metrolink station box, which is a strategic objective of both the city council and the TII. It is also pointed out that the extent of demolition does

not exceed, and is somewhat reduced, when compared with the permitted scheme for the Dublin Central lands, the permission for which only recently expired.

- 9.15.39. The worst-case scenario that might arise is where the demolition of such a volume of buildings of architectural heritage significance would proceed without the advancement of the construction of the new buildings and restoration of the retained historic fabric, and/or without the advancement of the Metrolink project. These issues have been considered in some detail previously in this report (8.7 and 8.8). As noted previously, there is a written commitment by both the Developer and TII that no development or demolition will take place until a Railway Order is in place and that both projects have been designed to be structurally independent of each other. Contingency plans have also been considered in the event that one or other project fails to proceed as set out in 8.8 above. Should the Site 2 development proceed in advance of the Metrolink station, it can be constructed during or after the site 2 development has been completed. Should the Metrolink proceed without the Site 2 development, it is submitted that a cleared site with the strategic advantages of a Metrolink station underneath would be an incentive for development, should an alternative scheme be required.
- 9.15.40. In addition, the sequencing of demolition, excavation and construction works will be carefully co-ordinated to ensure that there will be no prolonged stand-down periods with vacant sites lying idle as the Metrolink works would not commence until the Railway Order is in place and would then proceed immediately without any further delays. It should also be noted that the siting of both projects within a single footprint presents significant advantages in terms of minimising the disruptive elements of construction impacts. Furthermore, the design of the construction project has incorporated many mitigating effects such as the use of secant piling on the perimeter of the site and the use of bottom-up construction techniques, as well as dressing the site in a scaffold wrap.
- 9.15.41. It is considered that the proposed development incorporating both the facilitation of the Metrolink station and the oversite development of site 2 seek to strike a balance between the retention of historic fabric and the delivery of an ambitious regeneration scheme. It is considered that the extent of demolition and excavation, with the associated loss of historic fabric, must be seen in the context of the significant public benefits arising from the retention and restoration of the protected facades, the

rejuvenation of this strategic site and the facilitation of the Metrolink station. I am satisfied that adequate measures have and will be taken to guard against any undue adverse impacts on the cultural heritage of the site.

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

9.16. Cultural Heritage – Archaeology

- 9.16.1. Chapter 16 of the EIAR refers to archaeological heritage. The Board is advised that there is significant overlap with section 9.15 (Architectural Heritage) and Sections 8.7 and 8.8 of the Planning assessment above, and it is recommended that this be read in conjunction with same.

Receiving environment

- 9.16.2. The site location is as described above. The potential significance and sensitivity of the baseline archaeological heritage of the site was established by several means. These included a desktop study, site inspections, archaeological testing within the site and a baseline assessment of the existing street surfaces including a visual survey and a ground penetrating radar survey. The testing was carried out on behalf of the applicant under licence within two vacant plots, Nos. 40-41 O'Connell Street Upper and Nos. 50-51 O'Connell Street Upper. A full report of the testing is contained in Appendix 16.4 of the EIAR.
- 9.16.3. The site is located partially within the Zone of Archaeological Potential for the Historic City of Dublin (RMP DU018-020), as depicted in Fig. 16.3 of the EIAR. There are two Recorded Monuments within the Dublin Central lands and a further two on the RMP within 100 metres of the site. These are listed in Tables 16.2 and 16.3, respectively. One of the Recorded Monuments (DU018-390) at 14-17 Moore Street is designated as a National Monument (P01/2007) and is also on the RPS (5282-5285). The other RMP is the Brickworks site (DU018-020506) located towards the northern end at Parnell Street. The sites listed on the RMP within 100m are the

Parnell Monument (DU018-425) and a Church and graveyard (DU018-020504) located on the corner of Marlborough St, Cathal Brugha St. and Findlater Place.

- 9.16.4. There have been very few finds of archaeological interest from within the study area. This is to be expected from this part of the city, as much of the area was covered by high tides until the 17th century, when it was reclaimed, and because of the fact that building development in the 18th and 19th centuries had greatly disturbed the ground. The finds recorded by the topographical files, therefore, are post-AD 1700, in date. Rocque's Map (1756) shows much of the study area developed with houses fronting O'Connell Street and Moore Street and mews buildings to the rear, fronting onto Moore Lane (formerly Brickfield Lane). However, there was a large area described as 'old brick field', which was essentially a former quarry and brick-making area which extended across much of the area to the west of Moore Lane, including the site of the National Monument. Testing of this area has revealed that the quarry was filled in by means of household rubbish underneath the houses subsequently built along Moore Street.
- 9.16.5. The designated preservation boundary for the National Monument comprises Nos. 14, 15, 16 and 17 Moore Street and also includes the rear yards of Nos. 15 and 16 Moore Street and Nos. 8-9 Moore Lane. The cultural significance of the monument and the terrace within which it sits relates to the events of 1916, as the Volunteers retreated from the GPO and fought their way up Moore Street. From here they had burrowed their way through the terrace from No. 10 via 'creep-holes' punched through the walls, until they arrived at No. 16, where they set up the last headquarters of the Provisional Government of the Irish Republic. The Volunteers eventually surrendered from this property, which signalled the end of the 1916 Easter Rising.
- 9.16.6. Nos. 14-17 Moore Street lie outside the Dublin Central Masterplan area, but the National Monument is bounded by Site 4 to the North and South, and Nos. 13, 18, 19 Moore Street are within Site 4. There is an existing Ministerial Consent (C494) in place for the conservation and adaptation of Nos. 14-17 Moore Street as a commemorative centre, including an extension on the northern side, which will front onto the new plaza. The National Monument is in the care of the DHLGH and the OPW and Ministerial consent is required for archaeological works at or near the

National Monument. A buffer zone has been established around it encompassing Nos. 13, 18, and 19 Moore Street and as far east as the Moore Lane frontage.

- 9.16.7. The laneways surrounding the monument include Henry Place, Moore Lane and O’Rahilly Parade are associated with the events as they formed part of the battleground and evacuation route. However, these laneways are not part of the designation. Their significance in terms of interpretation of the events, is however, acknowledged. The surveys carried out by the applicant have found that some stone setts and granite kerbing survive underneath the tarmac on Moore Lane and on O’Rahilly Parade, but not on Henry Place.

Predicted Effects

- 9.16.8. During construction, excavation and demolition, there will be a direct impact on any subsurface archaeological features that might be encountered during enabling works (geotechnical investigations, propping and underpinning structures, temporary structures such as crane bases), earthmoving and piling works within the Dublin Central Masterplan area.
- 9.16.9. The MEW works will be formed with diaphragm walls (D-walls) and in situ concrete base slabs and top slabs. The foundations for the Site 2 (oversite) development will be supported on piled walls adjacent to the MEW and on groups of piles beneath the single level building basement (full details in Construction Method Statement). Following the installation of the piling mat, piling walls and D-walls, the bulk excavation work for the MEW will then take place. Once the MEW is excavated, an independent transfer structure will be constructed above the new MEW box and the Phase 2 oversite development will proceed.
- 9.16.10. Site 2 is located approx. 20m from the National Monument and will not have any impact on this property. During the site preparation stage, protection works will be put in place, comprising a 3m wide protection zone, which will be removed upon completion of the construction works. Part of the evacuation route from the GPO during the 1916 Rising was enacted on Henry Place which bounds Site 2 to the South. The public realm plans for the Dublin Central Masterplan area seeks to retain the legibility of the battlefield site. The historic identity and layout of the streetscape will be retained by the preservation of the grid of laneways within the block and by ensuring that key views which support the interpretation of the 1916 Easter Rising

events, i.e. the existing sight lines along Moore Lane and the lack thereof along Henry Place, are preserved. The retention of these historic elements is predicted to have an overall Moderate positive effect on the National Monument and its future use as a commemorative centre and will assist in the legibility of the 1916 events and reinforce the interpretation and experience of the National Monument.

9.16.11. Site 2 lies within the Zone of Archaeological importance for the historic city of Dublin, which is a zone of high archaeological potential relating to the development of the city since the earliest times. There is the potential that previously unknown archaeological sites or features may survive below ground within this zone. The sequence of construction development of the urban block and the related basements is likely to have had a detrimental effect on the potential for survival of subsurface remains. However, there is still a possibility that some subsurface remains could have survived, particularly in locations where there are no basements, such as wall foundations and floors. There may also be undisturbed clays to the rear of the properties in the block, which do not have cellars or basements, and which are depicted on Rocque's Map as open yards or gardens.

9.16.12. There is potential for the Brick Field site (DU018-020506) shown on Rocque's Map could extend as far as O'Connell Street. There is also potential for early basements, foundations, walls, vaults, drains and cobbled surfaces dating from the 18th Century to be present. Direct impacts will arise from enabling works, earthmoving and piling works within Site 2. The bulk excavation to the piling mat, to a level of 4.5m across the site, will effectively remove any surviving historic building foundations and historic fill deposits, as any surviving archaeology is likely to be found at depths of 3 metres. The predicted impact on potential intact archaeological remains which may survive below ground would be Negative, Moderate and Permanent.

9.16.13. Impacts are likely to arise on the laneways from the laying of new services including public lighting, electricity supply, telecommunications, water services, wastewater and drainage services. The historic paving will need to be lifted to facilitate this work as it will not be practical to weave around specific patches of in-situ pavement. The lanes will also be used for construction access, and it would be challenging to secure the protection of an in-situ pavement underneath the active construction corridor. Thus, it will be necessary to lift the surfaces and the curbing and keep them securely off site until they can be relayed in the most suitable locations. The predicted impact

on the historic street surface is of Medium sensitivity value given its relationship to the events of the 1916 Rising and the magnitude of the effect is Medium. This would result in a potentially Negative, Moderate and Permanent impact on the historic street surface. The re-use of the stone setts, however, will have a Positive Moderate effect on the historic environment.

- 9.16.14. There is no likely or significant predicted impact during the operational stage as all physical archaeological impact issues will be resolved at the preconstruction stage of the development. However, a Positive and Permanent Impact will arise in terms of the setting of the National Monument, from the retention of the lanes and properties of historic merit fronting Henry Place and Moore Lane and the reuse of the stone setts. It is submitted that these impacts combined with the future adaptation of the National Monument as a commemorative centre will ensure its protection and appreciation into the future.

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

- 9.16.15. To ensure the physical protection of the National Monument a 3m wide protection zone from the rear of No. 8-9 Moore Lane will be established and will be in place for the duration of the construction works. As it is proposed to provide a construction access haul road along Moore Lane, it is proposed to construct a secant piled wall along the western boundary of Site 2. During the construction phase, this will retain the soil outside the site boundary and the stiffness of the wall will be designed to reduce ground movement associated with the basement excavation works. In addition, the secant piled wall provides protection to the construction works within Site 2 from the surcharge loading of construction traffic along the haul road. In the permanent design, the secant wall forms the basement of Site 2. The secant piled wall at the boundary is part of the strategy for enabling the deeper excavation to form the MEW station box. The shallow basement required for the oversite development is less significant than the deep basement excavation that is required to enable the MEW station box.
- 9.16.16. The main archaeological mitigation measures include monitoring at the pre-construction, site preparation and enabling works/early stages of construction and where any preparatory ground reduction works are required. This will be carried out

in order to establish the presence or absence, as well as the nature and extent, of any archaeological deposits, features or sites that may be present and will be carried out under licence in accordance with an agreed method statement. Following the implementation of an approved programme of mitigation, any impact on archaeological soils, finds or features identified within Site 2 during the course of the project will be resolved through excavation (preservation by record) under consultation with the relevant authorities, if appropriate.

- 9.16.17. National Monuments legislation states that in the event of the discovery of archaeological finds or remains, the NMI should be notified immediately. Provision must be made to allow for, and fund any, archaeological work that may be needed if any remains should be noted during ground preparation works or during construction. If features are revealed, the area will need to be investigated, allowing no further development to take place until the site is fully identified, recorded and excavated or, alternatively, avoided. The applicant is aware of the archaeological potential of the site and its implications for the development and the possibility of a significant design change. The applicant will make provision to allow for and fund whatever archaeological work may be needed on the site in accordance with the National Monuments legislation.
- 9.16.18. The in-situ recording, cleaning and sequential lifting of the historic paving on Moore Lane and O'Rahilly Parade will be carried out by conservation contractors under supervision and in accordance with best practice. A thorough record will be carried out during the site preparation/enabling works. A detailed methodology of the lifting, transport, storing and reinstatement of the setts will be submitted to the heritage authority for prior approval.
- 9.16.19. As part of the Site 2 landscaping strategy, it is proposed to consolidate the historic setts from the current locations on O'Rahilly Parade and Moore Lane in order to provide a continuous visual appearance of the historic setts. It is estimated that the quantity of stone setts available would allow for the resurfacing of Henry Place and the southern section of Moore Lane. Adjacent to the National Monument. The integration of the historic granite kerbs along Henry Place and Moore Lane will be considered once further information is available about their dimensions, condition and overall quantity.

Residual Impacts

- 9.16.20. Following the implementation of an approved programme of mitigation, no residual impacts on archaeological heritage are anticipated. However, a beneficial residual impact will be the increased knowledge of the archaeology of this part of Dublin city.

Cumulative Impacts

- 9.16.21. Potential cumulative landscape and visual impacts may arise from the development of other parts of the Dublin Central Masterplan in combination with other plans and projects, such as the proposed public squares and the proposed commemorative centre at the National Monument. Such potential cumulative impacts have been considered as part of the LVIA in the EIAR and as discussed above. Following mitigation as discussed, no unacceptable cumulative impacts are likely to arise.

Cultural Heritage – Archaeology – Conclusion

- 9.16.22. I have considered all of the written submissions made in relation to Cultural Heritage – Archaeology. 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 proposed 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 - archaeology.

9.17. Interaction of the above and Cumulative Impacts

- 9.17.1. Chapter 19 of the EIAR evaluates the potential interactions which the proposed development may have on the receiving environment and sensitive receptors during the demolition/construction phases and the operational phase of the proposed development. Table 19.1 provides a matrix of interactions for ease of reference.
- 9.17.2. The EIAR lists interactions between population and human health and most other environmental factors. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. 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. Adverse impacts might also arise on population and human health in terms of daylight and sunlight, which has resulted in the design of the buildings to minimise such impacts. Interactions between human health and soils have resulted in baseline soils testing to ensure that there would be no potential for the spread of contaminants due to excavation works or ground failure. Interactions between human health and water have been investigated to ensure that there would be no potential for contamination of water sources, no flooding risks or risks of diminished potable water supplies.

9.17.4. The EIAR also lists the potential interactions with other factors including architectural heritage, archaeology, transportation, landscape and visual impact, biodiversity, soils and geology and air quality. The site of the proposed development is located in an area of cultural sensitivity including historical significance of both buildings and the surrounding streets. Short term effects derived from hoardings located along the boundary of the application site during construction, in addition to cranes and scaffolding, have the potential to affect how the cultural significance of the area is perceived. Once operational, the proposed development will contribute to the structure and functionality of this area of the city due to the transformation of the under-utilised site into a useful development and publicly accessible civic spaces. During the operational phase, the proposed buildings and changes to the public realm also have the potential to affect the perception of cultural heritage. The design of buildings, their height, scale and massing, the landscaping and selection of

materials, all have the potential to contribute to the understanding of, engagement with and perception of the cultural heritage of the area.

9.17.5. As discussed above, additional mitigation measures would be required in respect of Landscape and Visual Impact and Cultural Heritage during both the construction/demolition and operational phases. Otherwise, I consider that overall, the EIAR document has satisfactorily addressed interactions. I am also satisfied that except for the findings and mitigation measures outlined in Chapter 12 (LVIA) and Chapters 15 and 16 (Cultural Heritage), potential effects arising as outlined in the other chapters, would be avoided, managed and mitigated by the measures which form part of the proposed development, including mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not result in significant adverse impacts in terms of the interaction of individual environmental factors.

9.17.6. A cumulative evaluation of the effects of the subject development and other relevant projects or activities on the environment is presented in each chapter of the EIAR and under each heading above. An outline of the cumulative effects is also provided in Chapter 19 of the EIAR. Consideration was given to both 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 other permissions and proposed developments and all other relevant existing and approved 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 positive impacts through the redevelopment of a brownfield and under-utilised city centre site, which is designated in the Dublin City Development Plan 2022 - 2028 as a regeneration site, for office/employment, retail, food and beverage, cultural and amenity spaces that will

support compact sustainable growth and improve the townscape, visual setting, public realm and permeability of the city centre. The facilitation of the future provision of a Metrolink station within the site will also help to re-invigorate the area and deliver a high quality and high-capacity public transport system which will encourage more sustainable travel and reduce emissions.

There will be 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.

With respect to human health, I am satisfied that with effective mitigation of environmental effects, no residual adverse human health impacts would continue at a community or individual level. Negative impacts on population and human health that are predicted to arise can be avoided, managed and mitigated to an acceptable level by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on population and human health.

Cultural heritage: There will be adverse impacts on the cultural heritage of the area which includes historic buildings, protected structures, recorded monuments and the 1916 urban battlefield site arising from the large extent of demolition and loss of historic fabric and the introduction of two large new buildings within the sensitive historic environment. Some of these impacts can be mitigated and addressed by means of conditions, but the loss of a significant amount of historic fabric will be permanent and cannot be fully mitigated or addressed by means of conditions. The loss of the historic fabric will be tempered by the restoration of retained structures and their adaptive re-use, by the regeneration of the under-utilised area which has been the subject of a prolonged period of decline and by the facilitation of the future Metrolink station underneath Site 2. The retention of the structure of the historic lanes and urban grain of the area will also mitigate the loss of historic fabric.

The proposed scheme would need to be further mitigated by a reduction in height and scale of the north-western element of building 2C together with the omission of the loggia at this location and the relocation of the roof plant. Further mitigation will also be required in respect of demarcating the plot lines on the rear laneways of historic buildings of significance to the urban battlefield site associated with the 1916 Easter Rising.

There will be potential positive impacts on the cultural heritage of Dublin City Centre arising from the restoration, extension and reuse of currently vacant or utilised historic buildings, as well as the enhanced public realm and increased permeability of the site which will make the urban block more attractive to the public. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on cultural heritage.

Landscape and visual impact: The proposed development encompassing modern design interventions and buildings which are denser and taller than that prevailing in the vicinity will have a significant impact on the urban and visual character of the area. The proposed taller 2C Building would introduce a major new element in the townscape which would be highly visible in key views, which would give rise to negative impacts arising from the scale, height and massing of the building. This would need to be further mitigated and addressed by means of condition requiring a reduction in the height and scale, omission of the loggia feature of the northwestern corner and the relocation of roof plant and enclosure from the roof.

Impacts from the remainder of the development, with mitigation through conditions would be positive/ neutral and permanent due to provision of a quality streetscape, provision of enhanced public realm and high-quality landscaping proposals. These impacts are considered acceptable given the policy provisions for the site as set out in the current Dublin City Development Plan 2022 - 2028 and the identification of the site for redevelopment to a certain scale and a strong presence to the public realm. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long terms on landscape and visual amenity.

- 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 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 its role 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.
- 9.18.3. The proposed scheme would, therefore, need to be further mitigated by means of suitable conditions to reduce the height and scale of Block 2C, to omit the loggia at the northwestern corner and to relocate the roof plant and enclosure.

10.0 Appropriate Assessment

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

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

10.2. Background to the application

- 10.2.1. The applicant has submitted 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 7th 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. **Appropriate Assessment Screening – 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 (pages 6 to 13) 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. Site 2, and the concurrent application for No. 61 O'Connell Street Upper 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, (Sites 2AB and 2C).

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. In summary, the development of **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 2-8 stories over a single level basement, including a new street between O'Connell Street Upper and Moore Lane, a new controlled laneway from Moore Lane (adjacent to No. 42 O'Connell Street Upper). The main elements of the development include:

- The provision of 6 no. café/restaurant units, 1 no. licensed restaurant in former Carlton cinema site, (all with takeaway/collection facilities) and 8 no. retail units at street level.
- Construction of two separate buildings (2AB and 2C) to accommodate a total of 35,335sq.m office floor space above the ground floor uses, together with a new plaza (Henry Place), central courtyards and terraces at 4th, 5th, 6th and 7th floors.
- Refurbishment of the Reading Room as a café/restaurant (with takeaway).
- A single-level basement providing for 32 car parking spaces and 365 cycle spaces, plant and waste storage areas with ramp access from Moore Lane.

- Provision of the structural envelope (Metrobox) underneath Site 2 within which the Metrolink station will be constructed (see below).
- Conservation, repair and adaptive use of existing buildings including Protected Structures.
- Demolition of all other structures (c. 22,521sq.m) and formation of a construction compound at O’Rahilly Parade.
- Improvement works to the public realm at O’Rahilly Parade, Moore Lane and Henry Place including new plaza at Henry Place/Moore Lane.
- 2 new ESB sub-stations.
- Building signage and retractable canopies.

10.4.4. The proposed development comprises the retention of some historic facades and structures and the large-scale demolition of buildings behind and adjoining the facades.

10.4.5. *Metrolink box* - Following demolition, it is intended to commence excavations to construct a structural box (120m length, 26m width and 34.5m depth) to facilitate the future Metrolink O’Connell Street station which will be located beneath Site 2. This is designed to accommodate the independent construction and operation of the Metrolink station by TII, including the provision of the structural envelope and coordinated voids to accommodate station entrances, ventilation and fire escape shafts. The Metrolink project will be the subject of a separate Railway Order application.

10.4.6. The structural box will be constructed by means of deep diaphragm walls with a base slab and a top slab, which would sit beneath the single-storey basement. The single-storey basement will be constructed to a depth of c.5m involving the installation of secant piled walls around the perimeter of the site and a series of bearing piles across the site. The AA Screening Report describes, in outline, the likely evolution of the current state of the environment (the baseline scenario) both with and without the Metrolink project on the basis of available information.

10.4.7. *Surface water* – It has been determined that it is not feasible to discharge surface water from Site 2AB to the surface water network due to the shallow depth of the existing sewer and flat gradients of the surrounding roads. Surface water will

therefore be drained from 2AB to the combined sewer, but private foul and surface water within the development site will be drained separately with a view to connecting to any future separate public systems. Surface water from site 2C will be discharged to the surface water network. This will require the extension of the existing sewer along Parnell Street as far as 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.

- 10.4.8. *Foul water* – it is proposed to provide 2no. new 225mm connections to the existing public network, one for each site (2AB and 2C). Both connections will be made to the existing sewers in Moore Lane to the west of the site. A new manhole will be constructed at each of the new connection points. Any existing drainage connections at the site are to be decommissioned, with the existing drain capped from within the site to decommission the pipe.

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.

European Site	List of Qualifying Interest/Special conservation interest	Distance from proposed development/ Ringsend WWTP Outfall	Conservation Objectives	Considered further in Screening Y/N
South Dublin Bay and River Tolka Estuary SPA (004024)	[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			
South Dublin Bay SAC (000210)	[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
North Dublin Bay SAC (000206)	[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>			
North Bull Island SPA (004006)	<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. 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. 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 positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, food and beverage and cultural spaces and the facilitation of the future provision of the O'Connell Street Metrolink Station, which will improve the townscape, visual setting, public realm and permeability of the city centre and contribute to the provision of high-capacity public transport and sustainable travel in the area. Potential negative impacts on Moore Street Market and on retail and commercial outlets in the adjoining area during the construction phase arising from the need for market traders to relocate or cease trading and the potential reduction on shopping amenity and footfall. Potential negative impacts to human beings arising from noise, dust, traffic, excavation and demolition impacts during the construction phase will be mitigated with the preparation of a Construction and Demolition Management Plan and a Construction Traffic Management Plan.

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

Landscape and visual impact: The proposed development entailing modern design interventions and buildings which are denser and taller than that prevailing in the vicinity will have a significant impact on the urban and visual character of the area. The proposed taller 2C Building would introduce a major new element in the townscape which would be highly visible in key views, which would give rise to negative impacts arising from the scale, height and massing of the building. This would need to be further mitigated and addressed by means of condition requiring a reduction in the height and scale, omission of the loggia feature of the northwestern corner and the relocation of roof plant and enclosure from the roof. Positive impacts will arise from the enhanced public realm.

Notwithstanding the conclusions reached in respect of the negative impacts of the construction phase on traders and businesses in the vicinity, the demolition of built fabric and the townscape effects of the height, scale and massing of block 2C, 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 which is consistent with Regional and National policy, together with its role 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.

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 facilitate the future delivery of the O'Connell Street Metrolink station,
- Would make a positive contribution to the architectural character of the city and add new elements of townscape interest with enhanced legibility and a distinctive sense of place,
- Would not seriously injure the amenities of development in the area, the O'Connell Street and Environs Architectural Conservation Area, the character and appearance of the National Monument at Numbers 14-17 Moore Street or of the Protected Structures within the site and in the vicinity.

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

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

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

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

Reason: To protect the environment.

4. The proposed development shall be amended as follows:

- (a) Community/Cultural/Arts floorspace – provision shall be made for a minimum of 5% of the development floor space for community and/or cultural/arts space, which shall be predominantly in the form of internal floorspace, in accordance with the requirements of Objective CUO25 of the Dublin City Development Plan 2022-2028. Details of the operation and management of the facility shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- (b) Site 2C - The top floor of Block 2C, the plant enclosure and the loggia at the northwestern corner of this building shall be omitted and the plant area relocated from the roof space.
- (c) Site 2AB – The corrugated glazing detail around the door to the corner retail unit shall be omitted and replaced with a curved, high-quality bronze frame.
- (d) Site 2AB – The surviving historic fabric elements of the shopfront at No. 58 O'Connell Street Upper, including the granite piers, shall be retained and integrated into the new shopfront. 1:20 drawings and samples of tiles to be provided.
- (e) Site 2AB - Reading Room – the following amendments shall be made

- rooflights on the southern roof slope shall be omitted,
- the number of openings to the building shall be rationalised to improve the symmetry on the southern wall and to retain a greater extent of the historic walls, and the door to the western elevation to be of sufficient quality (1:20 drawings required).
- the chimneybreast in the southern room shall be retained
- a revised means of access be provided to the basement.
- Revised railings to the proposed ramp to complement the setting of the historic structure (1:20 drawings).
- A colour coded ceiling plan showing historic fabric and later interventions, detailed internal elevations (1:50) and a detailed methodology for the repair of historic fabric to the interior of the structure are required.

- (f) Public realm – The Junction of Henry Place and Moore Lane shall be revised to retain a sense of enclosure that would reflect its historic significance and the lost building lines, and plot boundaries of demolished buildings shall be appropriately demarcated incorporating salvaged fabric where feasible to ensure legibility of the 1916 battlefield site and associated evacuation routes.

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

Reason: In the interests of visual amenity.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:
- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
 - (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

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

6. Prior to the commencement of development on the Protected Structures at Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper, respectively, and on No. 45 O'Connell Street Upper and the Reading Room to the rear of No. 59 O'Connell Street Upper, the developer shall submit, for the written agreement

of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) protection of windows during the construction works,
- (e) materials/features of architectural interest to be salvaged,
- (f) 1:20 drawings of the ground floor façade of the former Carlton cinema including details of the proposed pilasters, doors, window frames, kick plates and illumination of the proposed canopy,
- (g) 1:20 section drawings of the junction of Building 2C with No. 42 O'Connell Street Upper and O'Connell Hall indicating how rainwater will be discharged and the relevant flashings between buildings,
- (h) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, 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.

7. Prior to the commencement of works, the developer shall make a record of the existing protected structures and non-protected structures, to include:
 - (a) A full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure.

- (b) the recording of the details and current condition of Nos. 43, 44, 45, 52-54, 57 and 58 O'Connell Street Upper, respectively and of the Reading Room to the rear of No. 59 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.

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

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

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

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

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

during construction shall be submitted to the planning authority for agreement prior to the commencement of development.

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

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

Reason: In the interest of visual amenity.

12. Detailed elevation and section drawing (1:20) for all shopfronts, including signage, doors, illumination where required, to reflect the significance of the Protected Facades and respect the requirements of the O'Connell Street 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.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

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

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

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

17. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment for Site 2 carried out by Courtney Deery Heritage Consultancy Ltd. (12/09/22) and Chapter 16 of the EIAR (as amended by further Information submitted on 28th day of July 2023)

shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

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

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

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

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

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

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

21. (a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements, the 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.

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

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

- (a) The areas of open space shown on the Public Realm and Landscaping Masterplan shall be reserved for such use and shall be levelled, contoured, soiled and seeded and landscaped in accordance with the requirements of the planning authority.
- (b) A management strategy and public access arrangements for the public spaces.
- (c) A programme for all landscaping works setting out the proposed detailed design and maintenance of the landscaping including the accommodation of year-round interest with high biodiversity and pollinator friendly species.
- (d) Details of the architectural treatment, street furniture, lighting and signage for each public space which shall reflect the character, function and use of each space with an objective of achieving good quality public realm and maximum social interaction.
- (e) An artist's brief or tender for competition shall be prepared in order to secure appropriate artwork features/installations within the development. Details of the proposed public art installations to be provided, including locations and design of such installations, shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.
- (f) Any existing street trees damaged or lost during the construction phase shall be replaced by the developer in the next planting season by a tree(s) of a similar size and species or alternatively, compensation shall be paid to

the planning authority to enable appropriate replacement tree(s) to be planted.

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

Reason: In the interest of visual amenity.

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

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

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

Reason: In the interest of public health.

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

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

26. Prior to the opening/occupation of the development, an updated Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the

planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

Reason: In the interest of sustainable transport and safety.

28. Safe and secure bicycle parking spaces shall be provided within the site in accordance with the submitted plans prior to the occupation of the development. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Electric charging points 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.

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

Reason: To ensure adequate servicing of the development

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

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

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

Reason: In the interests of public safety

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

Reason: In the interest of amenity and public safety.

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

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

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

Reason: In the interest of urban legibility.

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

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

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

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

36. A detailed Construction and Demolition Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of

arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

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

38. Prior to 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.

39. The developer/contractor will be required to apply for a works permit from the LUAS Operator in accordance with the Light Railway (Regulation of Works) Byelaws 2004 (S.I. 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.

40. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion 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.

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

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

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

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

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.

Mary Kennelly
Senior Planning Inspector

12th February 2025