



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-322971-25**

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### Development

Alterations to the planning permission for the refurbishment and extension of the buildings under Register Reference 3706/21; An Bord Pleanála Reference ABP-312494-22, to provide additional office accommodation.

### Location

Montague House, Adelaide Road, Dublin 2 and Hardwicke House, Hatch Street Upper, Dublin 2, D02 ND9.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

WEB2766/24.

### Applicant(s)

Hibernie Real Estate Group Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party.

### Appellant(s)

Kevin Woods On Behalf Of Family.

**Observer(s)**

None.

**Date of Site Inspection**

17<sup>th</sup> September 2024.

**Inspector**

Kathy Tuck.

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located within the south inner city and is bounded by Hatch Street Upper to the north and Adelaide Road to the south. To the west, the St. James House office development bounds the southwest portion of the site, while a partially attached office building (1-2 Hatch St) bounds the northwest portion of the site. To the east of the site, a low-profile car park building, ground floor and 1st floor deck, is flanked by an office building to the north, Deloitte House along Hatch Street Upper, and a mainly residential terrace to the south along Adelaide Road, which forms a row of Protected Structures.
- 1.2. In the wider context, the area is characterised by mixed development of varying nature, character and scale. It has been subject to significant recent change, with a number of large-scale developments recently completed or currently under construction. Development to the west of the site mainly comprises large-scale modern commercial buildings ranging from 5 to 9 storey heights. To the north, the large sites of Iveagh Gardens and the National Concert Hall complex add an important mix of recreational and cultural uses to the area. To the east, there are two modern office buildings (5-7 storeys) at the junction of Earlsfort Terrace and Hatch Street Upper, while to the southeast, Adelaide Road and southern part of Earlsfort Terrace are characterised by a mix of 3 to 4-storey Georgian and Victorian terraces (protected structures). The LUAS line provides an important public transport link along Harcourt Road and Peter Place to the southwest of the site.
- 1.3. The site itself has a stated area of 3084sq.m and is currently occupied by two conjoined but functionally separate office buildings. Hardwicke House fronts onto Hatch Street Upper and comprises a 6-storey building of 4,908sq.m and Montague House fronts onto Adelaide Road and comprises a 6- storey building of 4,964sq.m.
- 1.4. A basement parking area extends below both buildings and is accessed off Adelaide Road. A private pedestrian route runs through the eastern part of the site between Hatch Street Upper and Adelaide Road.

## 2.0 Proposed Development

- 2.1. This is an application for permission for amendments to an office building which was permitted under Reg Ref 3706/21 and upheld under ABP-312494-24. The amendments seeking permission are as follows:
- 2.2. Rearrangement of permitted basement layout reducing car parking spaces from 16 no. (including 1 no. disabled space) to 6 no. (including 2 no. disabled spaces); increasing cycle parking spaces from 174 no. to 238 no. and provision of 1 no. motorcycle parking space.
- 2.3. Reconfiguration of layout of ground floor on the Hatch Street Upper frontage including incorporation of collaborative working space into building reception area and repositioned ESB substation and switch rooms and on the Adelaide Road frontage to provide for extended building reception area.
- 2.4. Construction of:
  - an extension of 147 sq. m. to the permitted sixth floor office floorplate on the Hatch Street Upper frontage.
  - an extension of 97 sq. m. to the permitted seventh floor office floorplate on the Hatch Street Upper frontage including provision of a 44.5 sq. m. roof terrace.
  - an additional office floor which has a stated area of 1,158 sq. m and is set back from Hatch Street Upper frontage with two new roof terraces - 87sq. m. to the north and 192 sq. m. to the south.
- 2.5. Reconfiguration of the permitted roof terrace and green roof on the seventh floor on the Adelaide Road frontage including provision of a plant enclosure and extension of the area of the roof terrace from 136.8 sq. m. to 223 sq.m.
- 2.6. The proposed maximum height of Hardwicke House above street level will be increased by 4.98m from the permitted 33.69m to 38.7m. The proposed maximum height of Montague House above street level will be increased by 2.76m from the permission 32.27m to 35.03m.
- 2.7. Overall, the proposed development is seeking to provide for a further 1,433 sq. m. GFA of office accommodation on the site, with 1,383 sq. m. on Hardwicke House and 50 sq. m. on Montague House. The resulting total gross floor area on the site will be 17,544 sq. m. (from 9,872 sq. m. as existing and from 16,111 sq. m. as approved

under Reference 3706/21; ABP-312494-22). From undertaking a site visit, I note that the works previously permitted have not yet commenced on site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following a request for further information, the Planning Authority granted permission on the 9th of June 2025 subject to 12 no. conditions.

Conditions of note are as follows:

- Condition no. 2 - Section 48 Development Contribution of €909,899.20.
- Condition no. 3 - Section 49 Supplementary Development Contribution of €291,536.00 in respect of the LUAS Cross City Scheme.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The 1<sup>st</sup> report of the Planning Officer notes the location of the site, the description of development, sets out the land use zoning, the relevant planning history, details of consultee reports and observations received and lists all relevant planning policy.

The assessment raised concern over the lack of elevational drawings submitted, the impact on adjoining properties with regard to daylight/sunlight and the provision of the roof terrace at the southwest of the site. As such the report requested that the following further information be sought:

1. Submit a northern contiguous elevation and floor plans showing the permitted scheme on the adjoining site to the east.
2. Submit a revised daylight/sunlight assessment in accordance with the development plan requirements.
3. The Planning Authority has concerns with the proposed roof terrace to the southwest of the site and its proximity to adjoining sites on the additional floor. The Applicant is invited to reconsider the extent of roof terraces at this level.

A response to the further information request was received by the Planning Authority on the 13<sup>th</sup> May 2025 and can be summarised as follows:

1. A northern contiguous elevation is submitted drawing 6217-B-021-FI – showing the context of the proposed development in relation to the permitted scheme to the east of (Reg. Ref. 4077/23).
2. The Daylight and Sunlight Assessment prepared has been expanded to include Annual Probable Sunlight Hours (APSH) results for all windows in the immediate surrounds (north/south and residential/commercial).
3. It is proposed to reduce the extent of the accessible area of the terrace by including a landscaped edge along the western side. This will result in the edge of the accessible area being between 3.396m and 3.85m from the western site boundary.

The second report of the Planning Officer which provided for an assessment of the Further Information response and considers that all issues raised were fully addressed and recommends that permission be granted in line with the decision issued.

#### 3.2.2. Other Technical Reports

- Drainage Division: Recommends a grant subject to condition.
- Transportation Planning Division: Recommends a grant subject to condition.

#### 3.3. Prescribed Bodies

Transport Infrastructure Ireland - no objection to the proposed development subject to a condition. The submission notes the location of the subject site within the area for the adopted Section 49 Supplementary Development Contribution Scheme - LUAS Cross City. As such the report request that in the event of a grant of permission that a condition be included requiring a Section 49 Financial Contribution.

#### 3.4. Third Party Observations

The Planning Authority received 1 no. 3<sup>rd</sup> party submission with regards to the proposed development. The concerns raised can be summarised as follows:



- Neighbourhood has been progressively consolidated by large scale office developments with no community gain – proposal continues with this pattern and provides no cultural/community accommodation to conform with the land use zoning for the area.
- Need to support economic and employment opportunities is acknowledged – creating districts of mono-functional offices in the heart of the city is counter to the creation of a vibrant and sustainable community as set out in the development plan.
- Proposal does not conform with the Development Plan Land Use Zoning for the site.
- Alternatively the applicant should be requested to revisit the proposed development to provide for a community and culture use in order to conform with CU025.

## 4.0 Planning History

### 4.1. Subject Site

PA Ref 2172/94	Permission granted for a 6 storey office building over basement car park immediately adjoining Nos. 1 and 2 Upper Hatch Street and fronting onto Upper Hatch Street, and a separate five storey office building over basement car park adjoining No. 70 Adelaide Road and fronting onto Adelaide Road.
PA Ref 3706/21	Planning permission granted for the development which consists of the refurbishment and extension of the buildings comprising: 1) Reconfiguration of the layout of the basement to provide for 16 no. car parking spaces, 174 no. cycle parking spaces, 2 no. motorcycle parking spaces; staff showers, changing rooms and lockers; plant and tank areas and bin storage areas. 2) Reconfiguration of the existing office floorplates and construction of extensions on the eastern and western sides of the buildings at first, second, third, fourth and fifth floors to provide an additional 6,239 sq. metres of office accommodation. 3) Construction of two

additional setback floors resulting in an eight storey Hardwicke House, setting back to a seven storey Montague House; 4) Removal of all existing external cladding and replacement with a new stone frame structure framing double height glazed openings; 5) Provision of roof terraces at sixth and seventh floor level on Montague House and at the sixth floor level on Hardwicke House; 6) Provision of a 541 sq. m. plant area enclosure and 85 sq. m. solar photovoltaic ('PV') modules at roof level; 7) Upgrading of pedestrian route along the eastern boundary, reconfiguration of the disabled ramp and widening of the access steps to the front of Hardwicke House. This decision was upheld on appeal to An Bord Pleanála under ABP-312494-22.

PA Ref 4644/07      Planning permission granted for the temporary change of use of 6 car parking spaces to use for generators beneath Hardwicke House.

The following history is of significance in relation to surrounding sites to the east and west of the appeal site:

**Corner site at Upper Hatch Street / Earlsfort Terrace**

ABP Ref. 29S.239323 (P.A. Reg. Ref. 3700/10): In May 2012 the Board granted permission for demolition of all structures and construction of a mixed-use development with a height of nine storeys. The duration of this permission was subsequently extended by DCC until the 11th of July 2022.

**Former Adelaide Court site (to west of appeal site)**

P.A. Reg. Ref. 2756/15: Permission granted (September 2015) for the demolition of all existing buildings (1,996 sq.m gross) on the site and the construction of a seven-storey building over a basement and lower basement level, comprising of office development of 14,084 sq.m gross

P.A. Reg. Ref. 3929/16: Permission granted (January 2017) for amendments and extensions to the permission granted under Ref. 2756/15.

**Corner site at Harcourt Street / Hatch Street Upper**

P.A. Reg. Ref. 3993/03: Permission granted (November 2003) for the removal of existing buildings and the phased construction of three self-contained office buildings interconnected by a glazed atrium courtyard, 7 floors above ground floor on Hatch Street Upper totalling 31,970sqm.

### **Corner Site at Adelaide Road / Earlsfort Terrace**

ABP Ref. PL29S.300914 (P.A. Reg. Ref. 3040/17): In November 2018 the Board granted permission for demolition of structures, provision of a four to seven storey over double basement - level commercial development, parking and all ancillary works above and below ground level.

### **Adelaide Road site (former Telephone Exchange to the west of appeal site)**

ABP Ref. PL29S.301931 (P.A. Reg. Ref. 2388/18): In April 2019 the Board granted permission for the provision of a nine-storey including two set back storeys (over basement) commercial development with 18,464 square metres gross floor area of office space.

P.A. Reg. Ref. 3292/21: In January 2022, DCC granted permission for amendments to Ref. 2388/18, to include additional floors providing up to eleven storeys over basement level building.

PA Reg Ref. 3005/24: In February 2024, DCC issued a split decision for the following:

- Grant retention permission for Addition of door to 3rd floor roof terrace on eastern terrace to provide for maintenance access.
- Refuse permission for 1. Omission of opacified film to glazing at eastern elevation of rear return at 5th to 10th floor, 2. Replacement of solid insulated panel with opacified glazing at eastern elevation of rear return at 3rd to 4th floor n3. Omission of opacified film to glazing at eastern elevation on the south eastern corner of the permitted building at 9th and 10th floors and 4. Associated elevational revisions.

An Bord Pleanála under ABP-319372-24 overturned the split decision and granted retention and permission for the works as proposed.

## 5.0 Policy Context

### 5.1. National Policy/Guidance

5.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- *National Policy Objective 12:* Ensure the creation of 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.
- *National Policy Objective 14:* 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.
- *National Policy Objective 20:* In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- *National Policy Objective 22:* In urban areas, planning and related standards, including in particular 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.
- *National Policy Objective 89:* Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

5.1.2. National Development Plan (2018-2027)

- National Strategic Outcome 1. Compact Growth

- National Strategic Outcome 4. Sustainable Mobility
- National Strategic Outcome 5. A Strong Economy, supported by Enterprise, Innovation and Skills
- National Strategic Outcome 6. High-Quality International Connectivity
- National Strategic Outcome 7. Enhanced Amenity and Heritage

## 5.2. Regional Planning Policy

### 5.2.1. *Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019-2031)*

*RSO 2: Compact Growth and Urban Regeneration* - Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

*RPO 4.3:* Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

## 5.3. Section 28 Guidelines

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

## 5.4. Dublin City Development Plan 2022-2028

- 5.4.1. The site is zoned Z6; Employment/Enterprise, with a stated objective '*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*'. 'Permissible Uses' in Z6 zoned areas includes 'office'. The development plan has identified key Strategic Development Areas (see Chapter 6: City Economy

and Enterprise) to support investment, job creation, and overall economic growth within the city.

- 5.4.2. The City Plan recognises that the remaining Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The progressive consolidation and development of these lands will be supported. The primary objective for this zone is to facilitate long-term economic development in the city. It is important that these remaining Z6 zoned lands provide for intensive employment and accommodate a wide range of local services. The uses in these areas will create dynamic and sustainable employment and include innovation, creativity, research and development, science and technology, social enterprise, creative industry and the development of emerging industries such as green/clean technologies and the marine sector. These uses will be accommodated in primarily office-based industry and business technology parks developed to a high environmental standard and incorporating a range of amenities, including childcare facilities, public open space and enhanced public realm, green networks and leisure facilities.
- 5.4.3. The subject site shares its south-eastern boundary with a portion of land which is zoned under the Z8 - Georgian Conservation Areas which seeks “*To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective*”. The boundary is formed with a terrace of 6 no. Protected Structures.
- 5.4.4. Relevant section and objection are considered as follows:

#### *Chapter 3 – Climate Action*

- Section 3.5.2 :

It is vital that the current and future form of the built environment will respond and be resilient to the impacts of climate change. As a result, there is a need for both new and existing development not only to mitigate against climate change, but also to adapt to such changes.

Another key mitigation measure in relation to the built environment is to ensure that proposals for substantial demolition and reconstruction works can be justified having regard to the ‘embodied carbon’ of existing structures as well

as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

All applications for significant new developments, or for significant refurbishment projects, shall be required to submit a Climate Action Energy Statement as part of any overall design statement for a proposed development (see Chapter 15, Section 15.7 for further detail). This statement shall also provide outline information relating to the anticipated energy performance and CO<sub>2</sub> emissions associated with the development as well as information outlining how the potential of district heating and other low carbon energy solutions have been considered in relation to the development.

#### Chapter 4 – Shape and Structure of the City

- Policy SC6 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.

#### Chapter 6 - City Economy and Enterprise

- Policy CEE8: The City Centre

To support the development of a 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.

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

(i) To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.

(ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

#### *Chapter 11 – Built Heritage and Archaeology*

- Policy BHA9: 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.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

## Chapter 15 Development Standards

- 15.4.3 Sustainability and Climate Action

Good design has a key role to play in both reducing waste and emissions which contribute to climate change. These issues must be considered from the outset of the design process. Development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or recycling of resources and materials, including water, waste and aggregates. To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build.

- Section 15.5 Site Characteristics and Design Parameters



Development proposals should make the most efficient use of land by delivering an optimum density and scale of development for the site having regard to its location within the city.

Certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of development. Similarly, brownfield and infill sites can also achieve greater densities subject to the location and proximity to other services. Appendix 3 of the plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth.

In considering the appropriateness of a development at a city scale, applicants should demonstrate that the scheme proposed has adopted an appropriate approach to urban intensification broadly consistent with its location.

- 15.7.1 Re-use of Existing Buildings

Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7.

#### 15.14.4 Office

The provision of office accommodation will be supported in appropriate areas of the city. Regard will be had to the scale of such development depending on location. All office proposals shall be accompanied by an architectural design statement which details the internal building design and layout to ensure a high standard of amenity for future employees, in relation to noise impact, daylight and sunlight, ventilation.

#### 15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.

- All planning applications for development in Conservation Areas shall:
- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

Appendix 16 – Sunlight and Daylight

### 5.5. **Natural Heritage Designations**

The Grand Canal Proposed Natural Heritage Area is located c. 250m to the south of the site. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, both located in Dublin Bay at a distance of c. 3km from the site.

### 6.0 **EIA Screening**

The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

This is a 3<sup>rd</sup> Party appeal against the decision of the Planning Authority and the grounds can be summarised as follows:

#### 1. Omission of Collaboration Space

- Contrary to development plan policy.
- Results in the loss of the creation of any potential vibrancy or evening uses on Hatch Street Upper.
- Result in further detrimental impact on vibrancy of this transitional zone – From Z6 zoning to Z8 zoning.
- Contrary to the Z8 zoning.

#### 2. Compliance with policy CU025.

- The proposal represents a large-scale development in terms of the development plan.
- Increase equates to 78%.
- Need to comply with development plan policy CU025 to provide 5% community, arts, cultural space.
- Development needs to contribute to the vitality of the street through active use.
- Scale of proposed and previously permitted exceeds development standard – does not conform with zoning or policy CU025.
- Request that the Commission include a condition requiring active street frontage – include a use that supports meaningful activation.
- Collaborative workspace associated with office does not contribute to street activation – evident in Charlemont Street.
- Meaningful active use comprising of culture, community or café/restaurant use is required.

- Based on extent of development proposed – active use to conform with the requirement of policy CU025 requires 5% of proposed development or c.292sq.m.
  - Or matching quantum previously permitted ie c.219sq.m.
- Uses should be provided at ground floor level.
  - Hatch Street entrance is provided at above street level with limited potential for activation.
  - Adelaide Road is at grade with the street.

The 3<sup>rd</sup> Party Appeal includes for some amended floor plans with options to provide for community floor spaces.

## 7.2. Applicant Response

A response to the 3<sup>rd</sup> Party Appeal from the applicant was received by the Commission on the 11<sup>th</sup> August 2025 the contents of which can be summarised as follows:

### 1. Application of Objective CU025 of the City Plan

- CU025 is an objective of the City Plan not a policy as implied by the 3<sup>rd</sup> party appellant.
- Its purpose is to grow a range of cultural spaces and facilities in tandem with new developments and across existing developments – it is not in itself a means to the ends.
- The wording of the objective the requirement to provide a minimum of 5% community, arts and culture space arise in all new developments above 10,000sq.m.
- Gross floor area of the existing building was 9,482sq.m, increased to 16,111sq.m under permission ABP-312494-24, and with the proposed the floor area would be 17,544sq.m.
- 3<sup>rd</sup> Party appellant contends that CU025 applies as the floor area of the extended building exceeds 10,000sq.m – irrespective of the fact that the proposal is not a new development.

- Appellants interpretation is not supported by the wording of the objective – no mention of the word ‘extension’.
- City Council assessed whether the provision of community, arts and culture space was required based on the additional floor area resulting from the proposed extension and not the resulting overall floor area – considered that this is the correct interpretation.
- As the cumulative additional gross floor area from the approved and proposed extension is 7,672sq.m (which is significantly less than 10,000sq.m) the application of the requirements of Objective CU025 does not apply.
- Therefore, there is no need for a condition to be attached as per the appellant’s request.

## 2. Active Frontage and High Level of Animation

- Submitted that this is separate issue distinct from the requirements of Objective CU025.
- Proposal is for an extension to an existing building which has an existing interface with Hatch Street – the proposal will enhance this.
- Permitted scheme provided for a reception area for collaborative working not Hatch Street Upper and a building reception on Adelaide Road.
- The proposed development reconsiders collaborative space and provides for:
  - a larger reception is area plus 61sq.m of collaborative working space is proposed onto Hatch St.
  - A larger reception area plus 85sq.m of collaborative working space is proposed onto Adelaide Road.
  - In total the extent of non-reception space is increased by 5sq.m from that granted under the parent permission.
- It is not the case that the space has to be specifically allocated for cultural uses in order for cultural events to be held.

- Intention that the ground floor space will be used flexibly for a variety of activities away from individual office floors during and outside of standard business hours such as workshops, seminars and cultural events/exhibitions.
- The existing space was used by office tenants, visitors and the general public has hosted many cultural events such as music concerts/recitals and art exhibitions.

### **7.3. Planning Authority Response**

A response from the Planning Authority was received on the 23<sup>rd</sup> July 2025 and respectfully requests that the decision to grant permission be upheld. It is stated that in the instance that the decision is upheld that a condition for a Section 48 development contribution, a condition for a Section 49 Luas X City contribution and a bond be included.

### **7.4. Observations**

None received.

## **8.0 Assessment**

Having reviewed the 1<sup>st</sup> party appeal and all other documentation on file including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Community, Arts and Cultural space.
- Height.
- Other Issues.

### **8.1. Principle of Development.**

- 8.1.1. This application is seeking permission for amendments to a previously permitted scheme ABP-312494-22, under which permission was granted for an extension to the

existing office complex located at Hardwicke House which fronts onto Hatch Street Upper and Montague House which addresses Adelaide Road. The amendment proposed is seeking to extend the office accommodation further by approximately c.1,433sq.m.

- 8.1.2. The subject site is zoned under Objective Z6 -Enterprise/Employment and the established use on site is office-based development is listed as being permissible under the Z6 Zoning Objective.
- 8.1.3. I consider that the proposal to extend the existing office development, having regard to the parent permission on site, would be acceptable in accordance with the Z6 zoning objective and local and national policy to promote compact, sustainable urban development. Therefore, I have no objection to the principle of the proposed development.

## **8.2. Community, Art and Cultural Space.**

- 8.2.1. Objective CU025 of the City Plan, 2022-2028 requires that 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 preamble of this objective does not provide for a definition of what type of development the objective is pertaining to. Therefore, I consider that it can be applied to all new development which exceed the 10,000 sq.m threshold.
- 8.2.2. The main concern raised by the 3<sup>rd</sup> Party Appellant relates to the non-compliance of the proposed scheme with the requirements of Objective CU025. It is contended that the proposed extension will generate a total floor area of 17,544sq.m and therefore the development should provide for a community, Art and cultural space. It is argued that the amendments will result in the loss of the creation of any potential vibrancy or evening uses on Hatch Street Upper. The 3<sup>rd</sup> Party appellant has requested that the Commission, by way of condition, require the developer to include an active street front and provide for meaningful active use comprising of culture, community or café/restaurant use which complies with the requirements of Objective CU025.

- 8.2.3. The Planning Authority in their assessment of the proposed development considered that the quantum of the new build development on this site falls below the 10,000sq.m requirement of Objective CU025 of the current City Development Plan 2022-2028.
- 8.2.4. The applicant in response to the 3<sup>rd</sup> Party Appellant agrees with the interpretation of the Planning Authority and states Objective CU025 does not apply as the floor area of the proposed extended building does not exceeds 10,000sq.m irrespective of the fact that the proposal is not a new development but rather an extension to an existing building.
- 8.2.5. The subject site comprises of 2 no. established office buildings being Hardwicke House and Montague House both of which are both 6 stories in height and have a cumulative stated area of 9,842sq.m. Permission was granted for the original buildings on site under PA Reg Ref 2172/94 on the 8th March 1995. At that point in time, the requirements of Objective CU025 were not included within the statutory development plan.
- 8.2.6. Subsequently, permission was granted under PA Ref 3706/21 and ABP-3124942-22 for an extension to the existing office buildings, Hardwicke House and Montague House, which provided for an addition of 6,269 sq.m office floor space. This permission was assessed against the requirements of the Dublin City Development Plan 2016-2022 which was the operative plan at the time of assessment.
- 8.2.7. Objective CU025 was only introduced as part of the current Dublin City Development Plan 2022-2023. While the existing buildings on site together with the extension permitted under ABP-3124942-22 would give rise to a total floor area of 16,111sq.m, this floor area can be not be subject to the requirement of an objective which was only introduced and adopted after the parent permissions were granted. I consider that if the requirements of Objective CU025 were applied to this scheme it would undermine of the previous permissions granted on the subject site. The provision of 5% of the overall floor area to serve as a community, arts or cultural space would represent a disproportionate area of a development from a point in time where there was no requirement to provide for such.
- 8.2.8. The subject application is seeking permission to provide for an additional 1,433sq.m of office floor space which falls significantly below that of threshold established under Objective CU025 of the City Plan. I would draw the Commissions attention to my



comments under Section 8.2.7 of my report and note again that this objective was only introduced in the 2022-2028 City Plan and as such the applicant would have had no sight of the requirement of this objective when seeking permission for the parent extension under ABP-3124942-22. Therefore, I do not consider that the applicant was attempting to circumvent any obligation to provide to this cultural, art or cultural space.

8.2.9. Concern has also been raised within the 3<sup>rd</sup> Party appeal submitted that the proposed amendments will lead to the loss of a collaborative space which opens onto Hatch Street.

8.2.10. From assessment of the Plans submitted I note that while the area of collaborative space addressing Hatch Street has now been omitted and replaced with a larger reception area. However, the applicant has stated that this space can also be utilised as a collaborative space which can also be utilised for workshops, seminars and cultural events/exhibitions. I consider that the open nature of the ground floor, addressing both Hatch Street and Adelaide Road, promotes active street frontage.

8.2.11. Overall, I do not accept the concerns raised by the 3<sup>rd</sup> Party appellant and do not consider that the proposed development needs to comply with the requirements of Objective CU025 of the Dublin City Development Plan 2022-2028. I therefore recommend that the Commission uphold the decision of the Planning Authority and do not include a condition requiring compliance with Objective CU025.

### **8.3. Height**

8.3.1. The amendments proposed as part of this application include for an increase in height of the building along all elevations and setbacks. In summary, the height of Hardwicke House above street level will be 38.67 metres, which was previously permitted at 33.69 metres; 31.05m to the top of the lower parapet from the permitted c.24.35m; and 36.62m to the top of the upper parapet from the permitted 31.94m.

8.3.2. The proposed maximum height of Montague House above street level will be 35.03 metres from the permitted 32.27m. Adjacent to the protected structures on Adelaide Road, the parapet at the top of the fourth floor (fifth level) and the parapet at the top of the fifth floor (sixth level) the building will remain unchanged from approved scheme. However, the parapet at roof level will be 36.11 metres (from 30.47 metres approved).

- 8.3.3. Appendix 3 of the Dublin City Development Plan provides for indicative plot ratios of 2.5-3.0 for developments within the Central Area and an indicative site coverage of 60%-90%. The proposed amendments would generate a gross floor area of c.9872sq.m. The subject site area is given at 3084sq.m. Therefore, the development as amended would generate a plot ratio of 5.72 and a site coverage of 58%. While the site coverage would be acceptable in terms of Appendix 3 of the City Development Plan, the plot ratio would be considerable in excess of same.
- 8.3.4. However, appendix 3 set out a number of circumstances where higher plot ratio and site coverage may be permitted and include:
- Adjoining major public transport corridors.
  - facilitate comprehensive re-development in areas in need of urban renewal.
  - maintain existing streetscape profiles.
  - site already has the benefit of a higher plot ratio.
  - facilitate the strategic role of significant institution/employers such as hospitals.
- 8.3.5. The subject site is situated approximately c.260m from the Harcourt Stop on the Green Luas Line. The established streetscape along both Hatch Street and Adelaide Road is formed by similar large scale office developments. I note that the proposed development is seeking permission to align itself with recently permitted developments on adjacent sites. The subject has the benefit of a permission for an office building which generated a plot ratio of 5.2. Therefore, I consider that the plot ratio proposed would be acceptable on the subject site.
- 8.3.6. Appendix 3 of the Dublin City Development Plan also states heights greater than 6 storeys within the Canal Ring will be considered on a case-by-case basis subject to the performance criteria set out in Table 3. I have therefore applied the relevant performance criteria to the amended scheme submitted to the Commission in Table 1 below.

*Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale*

<i>Criteria 1 – To Promote Development with a Sense of Place and Character</i>	The subject site is located on a prominent site which addresses Hatch
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	<p>Street to the north and Adelaide Road to the south. The site is zoned under objective Z6- Employment/Enterprise, with a stated objective <i>‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation’</i>.</p> <p>The adjoining properties located to the east along Adelaide road are a terrace of Protected Structures and are identified as being within the Land Use Zoning Z8 Conservation Areas which seeks <i>“To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”</i>.</p> <p>This application is seeking permission for amendments to a permitted scheme which will increase the floor area by c.1,433sq.m. The facades addressing Adelaide Road, where it shares its boundary with the Protected Structures, remains unchanged from the previously permitted. The stepped back nature of the southern elevation of the building respects the adjoining properties.</p> <p>The site is located in a highly accessible area within c.280m of the Harcourt Luas Stop. The design idiom of the building is in keeping with the surrounding area and provides for high quality materials and finishes.</p>
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<p><i>Criteria 2 – To Provide Appropriate Legibility</i></p>	<p>The proposed amendments are seeking to amend the permitted building to align with a number of recently permitted developments within the immediate vicinity of the subject site. The proposal therefore reflects and reinforces the established commercial uses along this section of Hatch Street.</p>
<p><i>Criteria 3 - To provide Appropriate Continuity and Enclosure of Streets and Spaces</i></p>	<p>I consider that the elevational treatment is complementary to the existing and emerging scale and enclosure on Hatch Street Upper and Adelaide Road. The variety of uses on the site to provide passive surveillance during the day and at night are limited.</p> <p>The maximum ridge level of the building is c.38.67m with a plot ratio of 5:7. While the plot ratio may exceed the standards set out within Appendix 3 of the City Plan I consider that I have justified this within Section 8.3.3-8.3.5 of my assessment.</p>
<p><i>Criteria 4 - To provide well connected, high quality and active public and communal spaces.</i></p>	<p>Given the proposed use of the development there is no requirement to provide any public open space.</p> <p>I note that the pedestrian route between Hatch Street Upper and Adelaide Road along the eastern side of the site whose upgrade has been approved under Register Reference 3706/21; An Bord Pleanála Reference ABP-312494-22 is maintained and is unaffected by the proposed development..</p>

<i>Criteria 5 - To Provide High Quality, Attractive and Useable Private Spaces</i>	The amendments proposed has amended and increased the area of terraces at 6 <sup>th</sup> 7 <sup>th</sup> and 8 <sup>th</sup> Floor.
<i>Criteria 6 - To Promote Mix of Use and Diversity of Activities</i>	The uses proposed are considered acceptable in term of the land use zoning and support its city centre location in terms of employment.
<i>Criteria 7 - To ensure high quality and environmentally sustainable buildings.</i>	The building materials are considered to be of high quality and there are energy efficiencies proposed in the new build which is welcomed.
<i>Criteria 8 - To Secure Sustainable Density, Intensity at Locations of High Accessibility</i>	The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport.
<i>Criteria 9 - To Protect Historic Environments from Insensitive Development</i>	The proposed development through transition in height and the use of high-quality materials sits comfortably, along with other modern office developments, adjacent to protected structures and the adjoining conservation area.
<i>Criteria 10 - To Ensure Appropriate Management and Maintenance</i>	Matters of security, management of public/communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Board grant permission.

8.3.7. Overall, having regard to the parent permission granted under ABP-3124942-22 and the prevailing pattern of development within the immediate surroundings of the site,

the setbacks provided along Adelaide Road, adjacent to the Protected Structures, and the land use zoning pertaining to the subject site, that the proposed development would be acceptable at this location. I therefore recommend that the decision of the Planning Authority be upheld and permission be granted.

#### **8.4. Other Matters**

##### **8.4.1. Impact on Z8-Conservation land use zoning.**

The 3<sup>rd</sup> Party Appellant contends that the proposed development would be contrary to the Z8 zoning of the adjoining site. I note that the proposed development is seeking to amend permission which was permitted under ABP-3124942-22. The southern elevation of the building has remained unchanged from that of the previously permitted and has maintained the setbacks previously permitted which are considered to respect the ridge height of the protected structures to the east of the subject site. Therefore, I do not accept the concerns raised by the 3<sup>rd</sup> Party in this instance.

##### **8.4.2. Conditions**

I note that condition no. 6 of the grant of permission related to specific requirements of the Transportation Planning Section of the Planning Authority. Given that part of the amendments proposed under this application related to the car parking and cycle parking configuration, I consider that this condition should be included in the instance that the Commission grant permission.

The response received from the Planning Authority requested that all financial conditions be retained. Given that the proposed amendment represents an increase in the office floorspace, I consider same that the financial contribution conditions should also be retained.

#### **9.0 AA Screening**

- 9.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Commission is the competent authority

in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.

- 9.2. The Applicant has submitted an Appropriate Assessment Screening Report as part of the planning application documents. This report considers the potential impacts arising from the project, the location of the Natura 2000 sites and pathways between the development and the Natura 2000 network and evaluates and screens the proposed development to assess if full Appropriate Assessment is required, with all European sites screened out and no direct pathways identified. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.
- 9.3. The Applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, 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. 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.
- 9.4. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and Tolka Estuary SPA (site Code 004024) which are both located 3km from the subject site.
- 9.5. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

- 9.6. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.
- 9.7. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.
- 9.8. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.
- 9.9. 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. The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- 9.10. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including (but not limited to) South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC in view of the sites' Conservation Objectives, and Stage II Appropriate Assessment is not, therefore, required.



## **10.0 Water Framework Directive**

- 10.1. The subject site is located approximately c.261m to the north of the Grand Canal Main Line and c.1.5km to the south of the River Liffey. The proposed development is seeking permission for amendments to a permitted office development which would increase the floor area of the building by c.1,433sq.m. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3. The reason for this conclusion is as follows:
- The nature of the development in an urban environment.
  - There are no waterbodies within the site.
  - The location of the site approximately c.6.9m to the west of the Grand Canal Main Line (Liffey and Dublin Bay) and c.1.04km to the south of the Liffey Estuary Lower and the lack of a hydrological connections to either.
- 10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

Having regard to the above it is recommended that the decision of the Planning Authority be upheld, and permission is granted based on the following reasons and considerations and subject to the attached conditions.

## 12.0 Reasons and Considerations

Having regard to the land use zoning of the subject site, the provision of the Dublin City Development Plan 2022-2028, and the design, scale and layout of the proposed development, the permitted scheme on site, and the pattern of existing and proposed development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development and would not adversely impact upon the built heritage of the area, and 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 day of 18th December 2024 as amended by plans submitted on the 13th May 2025, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP-3124942-22 (Register Reference 3706/21) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.  
  
Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The Developer shall comply with the following transportation requirements:

- a. The proposed development shall otherwise comply with the conditions of permission granted under ABP-3124942-22, (Register Reference 3706/21)
- b. The 6 no. car parking spaces incorporating 2 no. accessible spaces shall be permanently allocated to the assigned use and shall not be sold, rented or otherwise sub-let or leased to other parties.
- c. A minimum of 238 no. cycle spaces shall be provided. Staff cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access should be required to bicycle compounds. Visitor cycle parking design shall allow both wheel and frame to be locked.
- d. The applicant shall submit a Parking Management Plan for written agreement of the planning authority. Details of allocation of spaces including provision of car parking for service/maintenance vehicles shall be provided.

Reason: In the interests of road safety.

4. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

5. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: In the interests of amenity, ecology and sustainable development

6. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, and to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the Planning Authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof. In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

7. The developer shall pay to the planning authority a financial contribution of €909,899.20 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.

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.

8. The developer shall pay to the planning authority a financial contribution of €291,536.00 in respect of e 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.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Kathy Tuck  
Planning Inspector

17<sup>th</sup> September 2025.

## Appendix 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-322971-25
<b>Proposed Development Summary</b>	Alterations to the planning permission for the refurbishment and extension of the buildings under Register Reference 3706/21; An Bord Pleanála Reference ABP-312494-22, to provide additional office accommodation.
<b>Development Address</b>	Montague House, Adelaide Road, Dublin 2 and Hardwicke House, Hatch Street Upper, Dublin 2, D02 ND9.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-322971-25
<b>Proposed Development Summary</b>	Alterations to the planning permission for the refurbishment and extension of the buildings under Register Reference 3706/21; An Bord Pleanála Reference ABP-312494-22, to provide additional office accommodation.
<b>Development Address</b>	Montague House, Adelaide Road, Dublin 2 and Hardwicke House, Hatch Street Upper, Dublin 2, D02 ND9.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development site has a stated area of 3084sq.m and is currently occupied by two conjoined but functionally separate office buildings. Hardwicke House fronts onto Hatch Street Upper and comprises a 6-storey building of 4,908m<sup>2</sup> and Montague House fronts onto Adelaide Road and comprises a 6- storey building of 4,964m<sup>2</sup>.</p> <p>Permission was previously granted under ABP-312494-22 for an extension of 6,269sq.m to the existing buildings to provide for additional office accommodation. This applicant is seeking permission to amend the parent permission and provide for an additional c.1433sq.m of office floor space.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	<p>The development site is located within the inner city in an area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>



cultural or archaeological significance).	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the location of the subject site within the city centre which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 3

### Screening the need for Appropriate Assessment

#### **Appropriate Assessment :Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The applicant submitted an Appropriate Assessment Screening Report as part of the planning application documentation. The screening concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites. The Planning Authority, within their assessment, accepted the findings of the screening report submitted.

#### **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km of the appeal site are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP.

However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

### **Likely impacts of the project (alone or in combination)**

Surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.

### **Overall Conclusion**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development;
- The location of the subject site within the urban context of Dublin City Centre;
- The lack of any direct connections to the nearest Natura 2000 site; and
- Taking into account appropriate assessment screening report submitted with the application.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_