



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP-324028-26

Development	Demolition of buildings. Construction of 24 storey mixed use building with all ancillary site works
Location	Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4674/22
Applicant(s)	Ventaway Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ventaway Limited
Observer(s)	OPW Irish Life
Date of Site Inspection	28 th April 2026
Inspector	Irené McCormack

Contents

1.0 Introduction	3
2.0 Planning History.....	3
3.0 Policy Context.....	7
4.0 Response to Section 131 Notice.....	10
5.0 Assessment	11
6.0 Building Height Guidelines, 2018 and EIA Reasoning	18
7.0 Environmental Impact Assessment Screening	21
8.0 Appropriate Assessment Screening.....	21
9.0 Conclusion.....	23
10.0 Recommendation	25
11.0 Reasons and Considerations.....	25
12.0 Conditions	30
Appendix 1 -Appropriate Assessment (AA) Stage 1	38

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024 and should be read in conjunction with same. Although this report and associated submissions refer to actions/correspondence of the Commission at a time when it was formerly known as 'the Board'.¹
- 1.2. On the 7th May 2024 the Board issued a decision in the case of ABP-315053-22. That Board decision was subject to Judicial Review. By order of the High Court (perfected on the 24th October 2025), the Board's decision was quashed and remitted back to the Commission for reconsideration in accordance with law. The new number assigned to the case is ABC-324028-26.
- 1.3. The Court held that the absence of a Commission conducted or adopted EIA with a reasoned conclusion rendered the decision invalid. The matter was referred back to the Commission to be reconsidered by the Commission with proper engagement of the Building Height Guidelines 2018 and a lawful EIA process.
- 1.4. Following the High Court Order, on the 27th January 2026 notices were issued to all case participants under section 131 of the Planning and Development Act, 2000, as amended, enclosing the High Court Order advising the case participants of the quash and remit and inviting them to make a further general submission/observation on the appeal.
- 1.5. This report considers the submissions made and any other changes relevant to the context of this appeal case.

2.0 Planning History

Subject site:

ACP 323120-25 / DCC WEB2729/24 – Permission sought for the demolition of buildings/structures and construction of a 14 storey building including office use, arts centre and café, auditorium, and ancillary uses. An Environmental Impact Assessment

¹ On 12th June 2025 An Bord Pleanála officially changed its name to An Coimisiún Pleanála under Part 17 of the Planning and Development Act 2024.

Report and Natura Impact Statement have been submitted with the planning application. Current application before the Commission for a decision.

DCC 4065/21 - Planning Permission Refused for demolition of the existing 3 storey building and its foundations and erection of hoarding at a site bound by City Quay to the north, Moss Street to the west and Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 KT32), 5 City Quay (D02 PC03), and 23-25 Moss Street (D02 F854). Refused for one reason relating to the resulting empty site which would be harmful to the streetscape and Liffey Conservation Area.

DCC 3255/01: Planning Permission GRANTED on 22/02/2002 for four storeys plus penthouse over basement, atrium office building (4,566 sq.m.) incorporating office and ancillary accommodation with part ground floor Cafe/Retail unit (194 sq.m.) with 18 No. car parking spaces at basement level all on existing surface car park/derelict site.

Recent Adjacent Planning Applications

Tara Street

DCC 3165/20 / ABP-308481-20: Planning Permission GRANTED 11/03/21 on first party appeal to An Bord Pleanála for amendments to previously permitted development, Reg. Ref. 3794/18 / ABP Ref. 302980-18 comprising change of use of lower levels from hotel to restaurant/café/retail and office, new mezzanine level, internal reconfiguration, modified colonnade to Tara Street, reduced car parking, revisions to hard and soft landscaping necessary, overall increase in gross floor area from 16,557 to 16,961 sq.m. (including basement) comprising of 14,185 sq.m. office use and 1,071 sq.m. of cafe/retail/restaurant use.

DCC 4054/19: Planning Permission GRANTED 07/01/2020 for amendments to previously permitted development, Reg. Ref. 3794/18 / ABP Ref.302980-18 comprising 1 additional hotel floor and mezzanine, internal reconfiguration, increase in hotel bedrooms to 157, modifications to façade detail, modifications to colonnade to Tara Street, reduced car parking and ancillary works. Max height 23 storeys.

DCC 3794/18 / ABP-302980-18: Planning Permission GRANTED on first party appeal to An Bord Pleanála 02/04/2019 for demolition of existing Tara House Office Building (1,417 sq. metres) and associated buildings at 2-16 Tara Street, Dublin 2, D02 W597. Construction of a new 22 storey landmark office and hotel development with a rooftop

restaurant over 2 no. levels of basement accommodation with an overall gross floor area of c. 16,557 sq. metres and to include an upgraded public concourse serving Tara Street Station. The maximum height of the building is 88 metres above ground level. Commencement notice has been served for below ground levels (basement 1 and 2).

DCC 2856/17 / ABP-248941-17: Planning Permission REFUSED on first party appeal to An Bord Pleanála 15/03/18 for demolition of existing Tara House Office Building (1,417 sq. metres GIA) and associated buildings at 2-16 Tara Street, Dublin 2, D02 W597. Construction of a new 22 storey landmark office and hotel development with a rooftop restaurant over 3 levels of basement accommodation with an overall gfa of c. 18,451 sq. metres and to include an upgraded public concourse serving Tara Street Station. The maximum height of the building is 88 metres above ground level. Permission refused for one reason relating to the scale and bulk of the building that would detract from the setting and character of the Custom House and adversely affect the River Liffey Conservation Area and the O'Connell Street and Environs Architectural Conservation Area. As well as detrimental impact on important views.

College House/Apollo House

DCC 3684/21 – Planning Permission GRANTED on 25/04/22 for amendments and additions to the previously permitted redevelopment of the former College House and the former Screen Cinema (DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19, DCC Reg. Ref.: 4170/19, ABP Ref: PL29S.306335 and DCC Reg. Ref.: 2583/20. Increasing overall height from permitted 21 storeys to 22 storeys (82.1m above street level). Increasing the no. of residential units from 54 no. build-to-rent units (45 no. 1 bedroom and 9 no. 2 bedroom) to 58 build-to-rent no. units (48 no. 1 bedroom and 10 no. 2 bedroom). Works are substantially progressed on site.

DCC 2583/20 - Planning Permission GRANTED 02/12/20 for development at a site of 0.66 ha at the former Apollo House, Tara Street (D02 N920); 9-15 Townsend Street and 31-33 Tara Street, incl. The former Long Stone Pub (D02FE00) and the Brokerage Apartment Building; the former College House, Nos. 2-3 Townsend Street, (D02 F990), and the former Screen Cinema, 16-19 Hawkins Street (D02 DP65), Dublin 2.

The site is bounded by Townsend Street to the south, Tara Street to the east, Hawkins Street to the west, Hawkins House to the north and west and Poolbeg Street to the north. The development consists of addition to and the amendment of previous permissions relating to the former College House and former Screen Cinema (DCC Reg. Ref. 3637/17 ABP Ref:PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.24907) and as amended by DCC Reg. Ref.: 2415/19 and DCC Reg. Ref.: 3668/19, ABP Ref: PL29S.305652.

DCC 4170/19 / ABP-306335-20 -Planning Permission GRANTED 15/09/20 on third party appeal to An Bord Pleanála for amendments to previous permissions and proposed additional build to rent residential accommodation on previously permitted College House and the former Screen Cinema (DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709) and the former Apollo House DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19. Increased max height to 21 storeys for build-to-rent element.

DCC 3668/19 / ABP-305652-19 – Planning Permission GRANTED 28/01/20 on third party appeal to An Bord Pleanála for amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17 ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19.

DCC 2907/19 / ABP-304950-19 - Planning Permission GRANTED on third party appeal to An Bord Pleanála on 08/11/19 for amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17, ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907).

DCC 3036/16 / ABP -247907-17 – Planning Permission GRANTED 14/06/17 on first and third party appeal for the demolition of the existing Apollo House located on Tara St. and Poolbeg St., and the Long Stone Pub on Townsend St., Dublin 2 and construction of a commercial office building ranging in height from 5 storey to 12 storeys (including one level of plant). The total gross floor area above ground of this building will be circa 16,205 sq.m. The ground floor includes office entrance and foyer of 245 sq.m, 2 no. café / restaurant / retail units (160 sq.m respectively) and 1 no. bar / café / restaurant unit of 460 sq.m. Access to the level basement will be via a ramp

onto Townsend St., basement -2 contains 40 no. car parking spaces and associated plant and basement -1 contains 174 no. cycle spaces and associated shower & toilet facilities, plant area and 2 no. ancillary storage spaces of approx. 280 sq.m and 60 sq.m. cycle access to the basement will be via a dedicated, access controlled cycle stair accessed from the new civic space. Roof terraces are provided on the west and south elevation at tenth floor level, on the east elevations at eight floor level, on the west elevation at sixth floor level and on the south elevations at fifth floor levels. The development will also consist of a new civic space onto Poolbeg St. including proposed hard and soft landscaping features and boundary treatment to adjoining Hawkins House. The proposed development also includes for the provision of green roofs; retail / café / restaurant signage; a new ESB substation; associated site servicing (foul and surface water drainage and water supply); and all other associated site excavation and site development works above and below ground.

3.0 Policy Context

3.1. National Context

- 3.1.1. This section considers any relevant updates to policies already referenced in the Inspector's Report for ABP-315053-22.
- 3.1.2. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. It contains several relevant policy objectives that articulate the delivery of key elements, including:
- National Policy Objective 13 - Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
 - 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, enhanced levels of amenity and design and placemaking quality, in order

to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

- 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.

3.1.3. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. The Plan notes that the commercial and public sector faces challenges in meeting their sectoral emissions ceiling and revised and expanded support schemes are in development to accelerate progress across these sectors. Section 13.3 sets out a number of Actions for 2025 including to develop embodied carbon methodology and establish structures in line with the Energy Performance of Buildings Directive to reduce carbon in construction material for all new buildings. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

3.1.4. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local

Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 8.20 of the Inspector's Report for ABP-315053-22 (dated 6th October 2023).

3.2. Local Context

- 3.2.1. Consistent with the Inspector's Report for ABP—318053-22, the Dublin City Development Plan 2022-2028 remains as the operative plan.
- 3.2.2. Dublin City County Development Plan 2022-2028 variations since 7th May 2024 are set out in table 1.

Table 1 – Variations of Dublin City County Development Plan 2022-2028 since 7th May 2024

Description of Variation to Development Plan	Adopted Date of Variation	Relevance to the development the subject of this appeal
Variation No. 6 - Lands at One Royal Canal House, Royal Canal Park, Pelletstown, Dublin 15	1 st December 2025	None – This relates to rezoning of approximately 0.07 ha of lands not within the subject site.
Variation No. 7 - Lands at 16-23 Bow Lane West, Dublin 8	1 st December 2025	None – This relates to changes the land use zoning objective pertaining to lands at 16-23 Bow Lane West Dublin.
Variation No. 8 - Iveagh Gardens & Environs, Crumlin.	1 st December 2025	None – This Variation designates lands at Iveagh Gardens and

		Environs, Crumlin, Dublin 12 as an Architectural Conservation Area.
Variation No. 9 – SDRA 18 Broombridge-Hamilton Masterplan	12 th January 2026.	None – This relates to SDRA 18.

3.2.3. Subsequent to the adoption of the DCCDP 2022-2028 in April 2024 Dublin City Council has published a new Cultural Infrastructure Guidance & Toolkit resource to support property developers, cultural operators and resource organisations deliver cultural and community spaces in the city. The Building Culture Toolkit is a complementary resource to Chapter 12 (CUO25) Culture of Dublin City Development Plan 2022-2028. The Toolkit provides some of the building blocks to help guide the process of delivering cultural infrastructure, by helping developers: • identify and respond to a real need, • design for a clearly defined cultural use, and • select a delivery model that is sustainable for both developer and operator. Of note the Toolkit advocates early engagement with the Council in advance of any lodgement of a planning application.

4.0 Response to Section 131 Notice

First Party

4.1. The response from the applicant dated 23rd February 2026 requests the Commission to determine the case. It is set out that Court identified multiple errors in the Board's reasoning in its assessment of the development plan, the performance criteria, and the Building Height Guidelines. It is argued that the inspector's report was not impugned, and the Court findings confirm that the error was confined to the Board's decision-making process. Under the Planning and Development Act 2000, a quashed planning decision revives the underlying appeal at the point where the legal error occurred. The scheme requires the Commission to redetermine the matter at the same procedural tier. The High Court did not direct a rehearing or return to earlier stages. The applicant submits that the remitted appeal must be determined at Commission level, using the existing inspector's report and the established file.

4.2. Further Submissions

OPW (18th February 2026) - The submission refers to two previous letters of observations relating to this development dated 1st December 2022 and 22nd December 2023 and requests that these observations be taken into consideration by the Commission in their determination.

Irish Life (11th February 2026) - The submission reiterates their objections to the proposal and includes a copy of the original observation dated 5th December 2022).

5.0 Assessment

5.1. Having examined the submissions received and the relevant changes to local/regional/national policies and guidance since the completion of the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024, I consider that the main issues to be considered in this case are as follows:

- Context Overview
- Dublin's Historic Core

5.2. Context Overview

5.2.1. I refer the Commission to section 1.0. of the Inspector's Report for ABP-315053-22 dated 12th October 2023. In summary, the proposal provides for the demolition of existing buildings on site and the construction of 24 storey mixed use building with all ancillary site works. The Commission will note that the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024 recommended a grant of planning permission.

Local Policy

Principle of Development

5.2.2. Section 7.0 of the Inspector's Report for ABP-315053-22 dated 12th October 2023 sets out that the site is zoned Z5 City Centre, with the associated Land-Use Zoning Objective '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 development includes cultural floorspace, offices, gym, which are permissible uses under the zoning would be consistent with the policies of the

Planning Authority as set out in Chapter 14 which states that the primary purpose of Zone Z5 to 'sustain life within the centre of the city through intensive mixed-use development. It is also stated on page 535 of the Plan in relation to Zone Z5 that 'Ideally a mix of uses should occur both vertically through floors of buildings as well as horizontally along the street frontage...' and 'In the interests of promoting a mixed-use city, it may not be appropriate to allow a mono office use on Z5 zoned lands, particularly on large scale development sites... Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development.' The proposed development incorporates a mix of uses, and while office floor space forms the predominant use in the proposal there is no policy or objective under the plan prescribing a specific break down of uses within proposals in the Z5 zoned area. The land use zoning requires that significant development proposals incorporate a mix of uses, and the proposed development satisfies the zoning in this regard, which is also the conclusion reached by the PA.

5.2.3. Furthermore, the Development Plan promotes employment growth in Dublin. Policy CEE3 and policy CEE21. The applicant argues that the 'operational phase will deliver long-term positive impacts on economic activity and employment in the area. The commercial spaces and cultural amenities within the development, particularly the arts centre, will attract office workers, visitors, and tourists, stimulating economic activity in surrounding businesses, such as cafes, restaurants, shops, and service providers. This influx of patrons will support local revenue and enhance the area's economic resilience.' I would agree. I am satisfied that the proposed development is consistent with the zoning provisions for the site.

5.2.4. The site is located within Strategic Development Regeneration Area 6 (SDRA 6), chapter 13 of the Development Plan. In the context of the application site Chapter 13 establishes that the overall approach aims to 'encourage mixed use development in order to achieve a balance between residential and commercial uses, with other community and cultural uses encouraged throughout' and includes a number of guiding principles. The redevelopment of this brownfield site is consistent with the SDRA guiding principles and the development plan including policy CEE8 - *The City Centre* - To support the development 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.

- 5.2.5. The policies as set out above reflect the Inspector's Report for ABP-315053-22 dated 12th October 2023. Therefore, consistent with the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024, I am satisfied that the development is consistent with the zoning objectives for the site.

Amendments to Development Plan

- 5.2.6. The Variations to the Dublin City Development Plan 2022-2028 subsequent to the completion of the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024 are set out in section 3.0 above. The Commission will note that the Variations outlined are not applicable to the subject site.
- 5.2.7. Regarding the Building Culture Toolkit which was introduced in April 2024 as a complementary resource to Chapter 12 (CUO25) Culture of Dublin City Development Plan 2022-2028. Given that the site was previously used as City Arts Centre use, it is appropriate that any replacement building provide a cultural space. I note section 7.3 of the Inspector's Report for ABP-315053-22 dated 12th October 2023 addresses Objective CUO25 and established that the arts centre (including exhibition / performance / workshop and studios) equates to 5.79%, and in compliance with the requirement under CUO25 to provide minimum of 5% community, arts and culture spaces including exhibition, performance, and artist workspaces. I further note that the PA welcomed the proposed cultural use. The Commission will note that the Inspector's Addendum report dated 8th March 2024 included a recommendation to attach an additional condition to the conditions set out in section 13.0 of the original Inspector's report. The additional condition states that:-

The arts centre / cultural space approved as part of the development, shall be occupied for such use prior to the occupation of any other uses in the development. The arts centre / cultural use shall be retained and occupied as such, for the life of the development or unless a prior grant of planning permission has been granted for change of use by the Planning Authority.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

- 5.2.8. Having regard to the subsequent publication of the Toolkit, I would recommend the condition be revised to include a requirement for the applicant to engage with the Building Culture Toolkit and submit full details relating to operation of the arts centre/cultural space in consultation with the Arts Department of DCC prior to the commencement of development. I am satisfied that this can be addressed by way of amendment to the condition set out in the Inspector's Addendum report ABP-315053-22 dated 8th March 2024.

National Policy

National Planning Framework First Revision – April 2025

- 5.2.9. In terms of national policy, I would acknowledge that there have been changes to the national policy context in the intervening period. At national level the NPF Revision has now been completed. It acknowledges the need to plan for increased population growth compared to the original NPF, including a population of almost 3 million in the Eastern and Midland Region (compared to 2.85 million in the original NPF). Section 2.2 *Overview of the NPF Strategy* sets out the following as regards Compact Growth – 'Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.'
- 5.2.10. This is supported by National Policy Objective 13 and National Policy Objective 14 as they relate to the development of cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity, the regeneration and rejuvenation cities that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals and National Policy Objective 20 which sets out that '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'.
- 5.2.11. I am satisfied that the provision of a mixed use office building and arts centre is consistent with the concept of urban sustainability and provides for increased office

accommodation in addition to enhanced cultural and amenity facilities at an accessible urban location in line with the objectives of the DCCDP 2022-2028 and National Planning Framework (NPF), First Revision, April 2025. It is in this context that I consider the proposed redevelopment of a vacant brownfield consistent with proper planning and sustainable development having regard to the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024 and the further considerations set out in this report.

Climate Action Plan 2025

- 5.2.12. Regarding the Climate Action Plan 2025 which builds upon and should be read in conjunction with the Climate Action Plan 2024. As detailed in the Inspector's Report for ABP-315053-22 dated 12th October 2023 a Climate Action and Energy Statement was submitted with the application and provides detail on the energy efficiency of the design and materials, and associated features. The proposed façade specification will limit heat loss in winter, heat gain in summer and improve air tightness. High efficiency plant is proposed, as are PV panels. I am also satisfied that the design incorporates sustainable technologies, energy efficiencies and climate resilience and as such is in accordance with the Climate Action Plan 2025 and measures to address Energy Performance of Buildings Directive to reduce carbon in construction material are embed in the prosed design.

National Biodiversity Action Plan (NBPA) 2023-2030

- 5.2.13. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".
- 5.2.14. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:
- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

The subject site is a brownfield site and the proposed development provides for enhanced urban greening as part of the application through the incorporation of green elements into the urban environment and infrastructure, such as green spaces and roofs. Greenifying urban spaces can offer numerous benefits for both the environment and its inhabitants, including creating new habitats, offsetting carbon emissions, improve wellbeing and air quality and the potential to reduce noise pollution. I consider that the principle of the proposed development is consistent with the broad theme of the NBPA 2023-2030. Biodiversity is addressed in sections 8.20 of the Inspector's Report for ABP-315053-22 (dated 6th October 2023).

5.3. Dublin's Historic Core

- 5.3.1. The applicant challenged the Board's determination that the proposed development site was located within the 'Dublin Historic Core' as defined in the Dublin City Development Plan 2022-2028. While the Court found that the 'Board did not err in its finding that the development site was within the historic core.'
- 5.3.2. By way of further clarification for the Commission, the site is located within the boundaries of Dublin's Historic Core as identified in Figure 11-2: 'Dublin's Historic Core' in the Development Plan. While the subject site is not identified within the Walled City, Medieval City or Georgian Core as highlighted in Fig. 11-2, it is located within the 1840 Municipal Boundary Line.
- 5.3.3. Further to the above, the northern portion of the site is located within the River Liffey Conservation Area. The site is also identified within the Zone of Archaeological Potential for Dublin City (RMP DU018-020) and as such is afforded Statutory Protection. In addition, the Dublin City Industrial Heritage Record (DCIHR) notes the presence of a former coal yard within the southern half of the proposed site. This was evident on the historic maps in the latter half of the 19th century, and the coal yard

occupies the site of an earlier brewery, which is no longer extant (as set out in the DCC Archaeological Report dated 2nd October 2022 accompanying ABP315053-22).

5.3.4. Historic mapping indicates that the area of proposed development was sited within the estuary of the River Liffey until reclamation programmes of the later 17th century. Chapter 12 of the EIAR establishes the location of the development site as originally peripheral to the development of early Dublin....as the city expanded and the quays along the river extended eastwards, the development site became more and more central, occupying a prime location opposite the second Custom House built by 1794. Therefore, the historical analysis accompanying the application determined that site in active use as part of the city in 18th Century.

5.3.5. Having regard to the above and consistent with Fig. 11-2, I am satisfied that the site is located within Dublin's Historic Core and forms part of the evolution of Dublin.

5.3.6. In the context of the current application, section 4.5.4 of the Development Plan sets out that the *'spatial approach to landmark/tall buildings in the city is in essence to protect the vast majority of the city as a predominantly low-rise city, including established residential areas and conservation areas within the historic core, while also recognising the potential and the need for taller landmark buildings to deliver more sustainable compact growth. It is considered that landmark/tall buildings are most appropriately located in areas identified for large scale regeneration and redevelopment; that are well connected centres of employment; which have the capacity to create their own character and identity and where the existing character of the area would not be adversely impacted by the scale, mass and height of such tall building/s. Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only..... In all cases, all proposals for enhanced scale and height, including landmark/tall buildings must respect their context and address the assessment criteria set out in Appendix 3..'*

5.3.7. The Commission will note that there is no specific policy or objective in the Development Plan restricting development in the Historic Core subject to compliance with criteria set out in Appendix 3 to ensure that such developments achieve *'high standards in relation to design, sustainability, amenity, impacts on the receiving environment and the protection or framing of important views.'* I refer the Commission

to the original Inspector's Report for ABP-315053-22 dated 12th October 2023 which from paragraph 7.5.37 describes an assessment under criteria in Appendix 3, specifically in Tables 7.1 and 7.2 of the report which set out an assessment against the performative criteria in Tables 3 and 4 of Appendix 3 and Section 5.3 of the Inspector's ABP 315053-22 Addendum dated 8th March 2024.

5.4. Conclusion

5.4.1. I have reviewed the documentation accompanying this application and I have had regard to planning history both past and present and I concur with the assessment and recommendation of the previous Inspector as outlined in detail in Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024. I am satisfied that the proposed design and building height incorporating a slender design profile is acceptable and in line with Appendix 3 of the Development Plan 2022-2028 and therefore in accordance with section 4.5.4 of the Development Plan and the site's location within Dublin's Historic Core. Similarly, I am satisfied that the proposed development will not result in any detrimental impact on the character and setting of built heritage, the River Liffey Conservation Area and the Custom House by reason of the contemporary design proposed including building height that clearly defines the new insertion in the cityscape. I do not propose to re-evaluate the development against the criteria set out in Appendix 3 of the Development Plan on this basis.

5.4.2. I am further satisfied that the concerns raised by the third parties in the submissions received as set out in section 4.2 of this report have been adequately considered in the Inspector's Report for ABP-315053-22 dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024. No new issues were raised.

6.0 Building Height Guidelines, 2018 and EIA Reasoning

6.1.1. The Court held that the absence of a Commission conducted or adopted EIA with a reasoned conclusion rendered the decision invalid. The Commission did not adopt the previous Inspector's EIA supporting permission and in recommending refusal the Commission did not carry out or adopt an EIA supporting refusal.

6.1.2. On the Environmental Impact Assessment (EIA), the Court held that the Commission was statutorily obliged to carry out an EIA before making its decision, regardless of whether the decision was to grant or refuse. The Court found that the Commission's

failure to engage with or provide reasons addressing the inspector's analysis of the 2018 Urban Development and Building Height Guidelines, including SPPR 3A, was a critical deficiency as these were relied upon to recommend permission and were not mentioned by the Commission.

- 6.1.3. Under Section 28 of the Planning and Development Act 2000 (as amended), planning authorities and An Coimisiún Pleanála must "have regard to" the guidelines when making decisions.
- 6.1.4. In the first instance the Commission will note that when the original planning application was on the 17th August 2022 the applicable Development Plan was the DCCDP 2016-2022. The current DCCDP 2022-2028 incorporating Appendix 3: Height Strategy did not come into effect until the 14th December 2022. Therefore, the Building Height Guidelines, 2018 would have superseded any guidance in the 2016 Development Plan (the applicable Plan at the time the application was lodged) and therefore was correctly applied by the applicant in August 2022 and subsequently formed part of the appeal documentation for consideration in the Inspector's report for ABP-315053-22 dated 12th October 2023.
- 6.1.5. Regarding building height, the Commission will note that the current DCCDP 2022-2028 was prepared with regard to the Building Height Guidelines, 2018 and Appendix 14, Table 3 of the Development Plan *Implementation of SPPRs from DLPLG (2018) Urban Development and Building Heights* sets out the relevant sections of the Development Plan where the Guidelines have been implemented.
- 6.1.6. The Commission will note that the subject site has been identified on Fig. 13-6 SDRA Docklands of the Development Plan as a location suitable for a 'locally higher building'. This is further clarified in Appendix 3 Page 221 which sets out that within Strategic Development Regeneration Areas there is a '*focus of compact growth over the plan period with the objective to facilitate ongoing intensification, infill and compaction. A series of guiding principles has been set out for each SDRA (Chapter 13) which promote appropriate heights and local landmarks depending on the SDRA location and context. Development proposals that align with these guiding principles will be supported. All proposals for greater height than the prevailing context and intensification in SDRA's must demonstrate compliance with the performance based criteria set out in Table 3.*'

- 6.1.7. Section 4.5.4 *Increased Height as Part of the Urban Form and Spatial Structure of Dublin* of the Development Plan establishes policy context. The Development Plan does not provide prescriptive height limits but reflects national guidance (including the Building Height Guidelines 2018). Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted and also performance criteria for the assessment of such development. The proposed building reflects the scale of a landmark/tall building with reference to the descriptions set out in Appendix 3 of the Development Plan. In any case, Appendix 3 Page 221 and Figure 13-6 do not preclude a landmark building on the subject site, with the key assessment being related to compliance with the performance criteria set out in Appendix 3. Similarly, Chapter 13 of the DCCDP sets out that all new development of increased height compared to the existing context must accord with the specific performance criteria as set out in Appendix 3 of the Development Plan.
- 6.1.8. Having regard to the above, I am satisfied that the DCCDP does not provide prescriptive height limits subject to compliance with Appendix 3: Height Strategy of the Development Plan and as such the proposed does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding, owing to the primacy of Section 28 Guidelines within planning policy hierarchy, the development management criteria set out in section 3.2 and the associated SPPR3 of the Building Height Guidelines remain a relevant assessment tool and cannot be discounted where applied. I am satisfied that the inspector's report for ABP-315053-22 dated 12th October 2023 comprehensively addressed the Building Height Guidelines, 2018 and this is a relevant consideration in the determination of the Commission's decision.
- 6.1.9. As I have set out above, I concur with the original Inspector's assessment of the proposed development including the 'Reasoned Conclusion on the Significant Effects'. I am satisfied that the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed in the Inspector's report for ABP-315053-22 dated 12th October 2023 and I also consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

7.0 Environmental Impact Assessment

- 7.1.1. I refer the Commission to Section 8 of the Inspector's Report for ABP-315053-22 dated 12th October 2023. Together with the details outlined in ABP 315053-22 Addendum dated 8th March 2024 and, in this report, I have reviewed the documentation on file and I concur with the original inspector's assessment and I am satisfied that the 'reasoned conclusion' remains valid. I have had regard to the EIA and am satisfied that the baseline environment has not altered in any significant manner. Therefore, I am satisfied that the surveys submitted as part of the EIA remain valid. Subject to the proposed mitigation measures and conditions of permission, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

8.0 Appropriate Assessment Screening

- 8.1.1. This section should be read in conjunction with Appendix A of this report.
- 8.1.2. Table 10-2 (Protected Areas of International and National Importance) of the DCCDP 2022-2028 does not include Northwest Irish Sea SPA (site code 004236) because the SPA was not created until 2023. Table 15-1 (Thresholds for Planning Applications) of the Plan states that AA screening is required for all developments.
- 8.1.3. AA was carried out in section 9.0 of the original Inspector's Report dated 12th October 2023. It did not include Northwest Irish Sea SPA because it did not exist at the time the screening was prepared. Given the site location and the nature of the proposed development the areas of concern were (i) potential direct hydrological connectivity via the River Liffey. Therefore, there is a hydrological connection between the site via (i) surface water discharges during the construction and operational phases and (ii) an indirect connection to the Dublin Bay European sites via the foul network via Ringsend Wastewater Treatment Plant (WWTP). A total of 17 no. European sites were considered to be within a potential zone of interest (Zoi) of the proposed development.
- 8.1.4. The AA screening report determined with respect to the possibility for significant effects on European sites with respect to the following:
- The potential for contaminated surface water runoff to enter the River Liffey during construction, with the potential for downstream impacts on the qualifying interests of the aforementioned European sites. This is specifically in light of

the close proximity of demolition works to the River Liffey (15m) and the scale of the project proposed.

- 8.1.5. The proposed development was considered in light of the requirements of section 177U and 177V of the Planning & Development Act, 2000 (as amended).
- 8.1.6. Having carried out a Stage 1 Appropriate Assessment Screening it was concluded that likely adverse effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA could not be ruled out, due to proximity to these European sites and potential hydrological links to the subject site. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.1.7. Following a Stage 2 Appropriate Assessment, with submission of a NIS, it was determined that subject to mitigation (which is known to be effective) relating to protecting water quality during construction, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, or any other European site, in view of the sites Conservation Objectives
- 8.1.8. In my opinion, the North West Irish Sea SPA would not have been included in a Stage 2 Appropriate Assessment had it been in place at the time the original Inspector's report because of the intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface water discharge point and / or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network
- 8.1.9. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.
- 8.1.10. Having regard to the foregoing, I do not consider that the introduction of the Northwest Irish Sea SPA, since the submission of the original planning application and preparation of the original Inspector's report, has any impact on the conclusion

reached in Section 9.0 Appropriate Assessment in the original Inspector's report. In my opinion that conclusion remains valid and unaffected by the Northwest Irish Sea SPA.

9.0 Conclusion

- 9.1.1. The proposed development conforms with the land use zoning for the site and incorporates a new Arts/Cultural Centre in accordance with policies/objectives CU12, CUO25 and CUO31 and would also result in positive economic impact and provide modern office floorspace in accordance with policies CEE3 and CEE21 of the Development Plan.
- 9.1.2. I concur with the previous Inspector that the proposed building will act as a 'landmark' at this location at a key crossing point on the Liffey in a regeneration zone (SDRA 6) where the contemporary design, contrasting form and height with a low level podium allowing the tower to rise behind creating a more human scale a street level and acting as a point of contrast in the cityscape and where the high quality design allows the historic structures and lower scale buildings to remain clearly legible and distinguishable including the adjoining Protected Structures, the Custom House and the protection and framing of important views and successfully incorporates criteria under section 3.2 of the Building Height Guidelines and accords with performance criteria set out in tables 3 and 4 of Appendix 3 of the Dublin City Development Plan 2022-2028.
- 9.1.3. A detailed assessment of visual and heritage impact has been carried out and determined that overall, there will be no harm to the setting and/or character of heritage assets in the area, and particularly the Customs House, in accordance with policy SC17 of the Development Plan, as well as the Architectural Heritage Protection Guidelines. While increased overshadowing and loss of daylight will result in some cases to surrounding areas, the proposal also incorporates compensatory design measures, contributes towards regeneration of the area, renewal of the subject site which is derelict, and contributing positively to the repair of the streetscape in accordance with criteria under Appendix 3 of the Development Plan and section 3.2 of the Building Height Guidelines and in the tight urban grain of the subject site is considered acceptable owing to the design of the proposed development.

9.1.4. Since the preparation of the Inspector's report dated 12th October 2023 the new North-West Irish Sea Special Protection Area (SPA) was designated under the EU Birds Directive and covers more than 230,000 hectares of important marine waters for a range of bird species throughout the year. It increases the percentage of Ireland's marine waters which are protected under the EU Birds and Habitats Directives to over 9%. The new North-west Irish Sea SPA extends offshore along the coasts of counties Louth, Meath and Dublin. The new site will be a Special Protection Area (SPA) under the EU Birds Directive, of special conservation interest for the following species:

Common Scoter; Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Shag; Cormorant; Little Gull; Kittiwake; Black-headed Gull; Common Gull; Lesser Black-backed Gull, Herring Gull, Great Black-backed Gull, Little Tern, Roseate Tern, Common Tern, Arctic Tern, Puffin, Razorbill and Guillemot.

7.6 The new site adjoins twelve existing SPAs already designated for the protection of birds along the coast. These are:

- Lambay Island SPA
- Skerries Island SPA
- Ireland's Eye SPA
- Howth Head SPA
- Rockabill SPA
- South Dublin Bay and River Tolka Estuary SPA
- Boyne Estuary SPA
- River Nanny Estuary and Shore SPA
- Rogerstown Estuary SPA
- Malahide Estuary SPA
- Baldoyle Bay SPA and North Bull Island SPA.

7.7 I refer the Commission to section 5.0 and Appendix 1 of this report. I do not consider that the introduction of the Northwest Irish Sea SPA, since the submission of the original planning application in 2022 and preparation of the original Inspector's report, has any impact on the conclusion reached in the AA screening in the original

Inspector's report. In my opinion that conclusion remains valid and unaffected by the Northwest Irish Sea SPA.

7.8 An Environmental Impact Assessment and Appropriate Assessment has been carried out and determined that with the incorporation of mitigation, no significant negative impact results with respect to environmental considerations, and there would be no harm to the integrity of any European site.

7.9 Overall, the proposed development conforms with national, regional and local planning policies.

10.0 Recommendation

I refer to the previous Inspector's Report for ABP-315053-22 and recommendation to GRANT the development dated 12th October 2023 and ABP 315053-22 Addendum dated 8th March 2024, subject to the modification of condition (condition no. 2 as set out in section 12.0 below) as detailed in section 6.2 above. Having regard to the changes to the policy context in the intervening period, and the additional submissions received, I recommend that permission be GRANTED for the proposed development subject to the following conditions.

11.0 Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

(a) the location of the site in the established city centre area of Dublin City in an area zoned Z5 City Centre, where the proposed arts/cultural centre, gym and office use are permissible uses under the zoning, as well as the location of the site in Strategic Development Regeneration Area (SDRA) 6 Docklands.

(b) the policies and objectives of the Dublin City Development Plan 2022-2028;

(c) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(d) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;

(e) The nature, scale and design of the proposed development and the availability in the area of public transport and services;

(f) The planning history of the area, as well as the pattern of existing and permitted

development in the area;

(g) The context of the area, and consideration of Protected Structures in, and proximate to, the site (particularly the Customs House);

(h) The submissions and observations received;

(i) The report of the inspector. The Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure amenity in the area, would be appropriate to the city centre and historic context of the site and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report ABP-315053-22 dated 12th October 2023 and ACP 324028-26, and submissions on file.

In completing the screening exercise, the Commission adopted the reports of the Inspector's and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European Site in view of the conservation objectives of such sites, other than South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, which were European sites where the likelihood of adverse effects could not be ruled out.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, in view of those sites conservation objectives. The Commission considered that the information before

it was adequate to allow the carrying out of an Appropriate Assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's conservation objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects. This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction phase.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account: (a) the nature, scale and extent of the proposed development,

(b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,

(d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes

adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission agreed with the summary and examination, set out in the Inspector's report ABP-315053-22 dated 12th October 2023, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Commission is satisfied that the Inspector's report ABP-315053-22 dated 12th October 2022 sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Commission's decision.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies 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:

Population and human health – During both demolition/construction and operation phases positive economic and employment effects on business and residences is anticipated. With the application of mitigation, largely comprising implementation of a Construction Environmental Management Plan, no significant residual effect upon human health / safety is expected, with the exception of negative, moderate to significant, short-term impact anticipated from noise and vibration during construction and as addressed separately as part of the considerations of noise in the EIAR. Impact from construction upon population and human health will be within acceptable limits considering the city centre location of the site, with the application of mitigation.

Biodiversity – With the application of mitigation, including consultation with an ecologist, works carried out outside bird nesting season, a pre demolition/construction survey for bats and implementation of a Construction Environmental Management Plan, no significant environment impacts are likely in relation to the construction of the proposed development. There will be no significant ecological or environmental

impacts arising from the operation of the development. Standard operational phase control measures are outlined and the proposed project does not impact on species or habitats of conservation importance, conservation areas or watercourses.

Land, soils, geology, water, air quality or climate - With the implementation of mitigation through management measures in a Construction Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters, there is no risk of significant negative impacts. While construction works invariably lead to some disturbance, this is short-term and reflective of impact that would generally be experienced across brownfield development sites in the city.

Noise and vibration – Mitigation includes adherence to regulations for the control and abatement of noise during construction and the implementation of a Construction Environmental Management Plan. During construction and with mitigation in place, impact is predicted to be negative, moderate to significant and temporary. There are no residual significant vibration impacts. During operation, residual effect is neutral, not significant and long-term with respect to plant, which will be selected and located to minimise noise impact. Negative, not significant and long-term impact is also predicted with respect to traffic during operation. Impact from construction upon noise sensitive receptors is considered to be acceptable considering the city centre location of the site and short-term nature of construction activities.

Material Assets – Transportation – Imperceptible impact is predicted for both the cycling and pedestrian network, during both construction and operation. Similarly, access to public transport options serving the site will not be impacted by the development during either construction or operation phase. There will also be an imperceptible impact on the road network, in terms of link and junction capacity for the operational and future years accounting for cumulative traffic growth. No mitigation is required.

Material Assets – Archaeology and cultural heritage –With the implementation of mitigation, comprising archaeological monitoring and investigation/protection, no residual impact on archaeological heritage is anticipated to result. There is no negative impact caused by the removal of the historic derelict buildings due to the creation of a detailed record prior to their demolition. There will be slight and moderate residual negative effects upon the architectural heritage during the operation of the

development, due to the visibility of the proposed tower. However, the subject site is demonstrated to be well-suited for a landmark building and will have a positive effect overall when considering the overall quality and character of the townscape where it is located.

Material Assets – Waste - Mitigation comprises implementation of a Construction Waste Management Plan and Operational Waste Management Plan which will minimise waste production and maximise waste recycling. With mitigation in place, residual impact is predicted to be over the short and long term, imperceptible and neutral.

Landscape and Visual Impacts – There is no mitigation proposed beyond that already embedded in the design and high-quality architectural finish proposed. No significant negative permanent impact is identified, with short-term temporary negative impact predicted during the construction phase only, which is consistent with the impact resulting from any development site in an urban area. The proposed development will in result in neutral or positive impact upon the visual and townscape character of the area, and the design appropriately responds to surrounding sensitive receptors.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority full details relating to operation of the arts centre/cultural space having regard to the Building Culture Toolkit published by Dublin City Council (Arts Office and Planning).

(b) The arts centre / cultural space approved as part of the development, shall be occupied for such use prior to the occupation of any other uses in the development. The arts centre / cultural use shall be retained and occupied as such, for the life of the development or unless a prior grant of planning permission has been granted for change of use by the Planning Authority.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be presented and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

6. Details of all security shuttering, lighting and signage shall be as submitted to An Coimisiún Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the development units.

Reason: In the interest of the amenities of the area/visual amenity.

7. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. Prior to any additional development taking place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, details to be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect the visual amenities of the area.

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

10. Public realm works, footpaths and kerbs, and access to the service area and the underground car park, shall be in accordance with the detailed construction standards of the planning authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. A minimum of 20% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. Details to be submitted to the Planning Authority and approved in writing prior to commencement of the development, confirming the incorporation of recommendations set out in the RSA submitted with the appeal.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. A final Delivery and Servicing Management Plan to be submitted to, and approved

in writing, by the Local Planning Authority prior to commencement of the development. The plan should include proposals for arrangements on Gloucester Street South.

Reason: In the interest of amenity and of traffic and pedestrian safety.

14. Details to be submitted to the Planning Authority and approved in writing prior to commencement of the development, confirming the incorporation of recommendations set out in the Wind Microclimate Assessment submitted with the application.

Reason: In the interest of amenity and pedestrian comfort/safety.

15. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

16. (a) 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 [and for the ongoing operation of these facilities] for each approved use, shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan. (b) This plan shall provide for transportation of bins from basement level to street level for collection, and provision to ensure that the holding area at street level for collection will not obstruct pedestrian movement.

Reason: In the interest of residential amenity, and to ensure the provision of adequate

refuse storage.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction and Environmental 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 (but not limited to):
 - 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) Hours of development and building works, and periods when high noise generating activities will be undertaken, with a view to mitigating impact upon the adjacent National School and residential uses;
 - e) Details of on-site car parking facilities for site workers during the course of construction;
 - f) Details of a mobility management plan for construction workers to encourage the use of sustainable transport modes when commuting to and from the site;
 - g) 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 to specifically mitigate impact upon the adjacent National School;
 - h) Measures to obviate queuing of construction traffic on the adjoining road

network; i) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

j) 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;

k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

l) 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;

m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

o) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

19. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

20. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the

nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

21. Prior to commencement of works, the developer shall make a record of existing structures on the site. This record shall 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, and

(b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building. This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of existing historical structures on the site to be demolished.

22. 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 Coimisiún 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.

23. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Line levy, 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 the 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 the Commission 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 of 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.

Irené McCormack
Senior Planning Inspector

3rd June 2026

Appendix 1

Appropriate Assessment (AA) Stage 1

As set out in section 8.0, AA screening has already been carried out in the original Inspector's report dated 12th October 2023. Following a Stage 2 Appropriate Assessment, with submission of a NIS, it was determined that subject to mitigation (which is known to be effective) relating to protecting water quality during construction, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, and North Bull Island SPA, or any other European site, in view of the sites Conservation Objectives. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was introduced after the planning application was made.

Appropriate Assessment Stage 1 – Screening Determination
Description of the project I have considered the proposed development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). <u>Subject site</u> The subject site is a brownfield, urban site currently occupied by vacant structures bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854) <u>Proposed development</u> The proposed development will consist of the demolition of buildings and construction of 24 storey mixed use building with all ancillary site works. The development site is within the Liffey and Dublin Bay catchment and located 15m from the River Liffey which flows easterly towards Dublin Bay.

Given the site location and the nature of the proposed development the areas of concern are (i) potential direct hydrological connectivity via the River Liffey. Therefore, there is a hydrological connection between the site via (i) surface water discharges during the construction and operational phases and (ii) an indirect connection to the Dublin Bay European sites via the foul network via Ringsend Wastewater Treatment Plant (WWTP) with North Dublin Bay through the stormwater drainage which discharges into public sewer which outfalls into Dublin Bay.

Submissions and observations

AA was not an issue raised by any of the prescribed bodies (I refer the Commission to section 9.0 of the original Inspector's Report 12th October 2023)

Potential impact mechanisms from the project

Site surveys

The application was accompanied by an Environmental Impact Assessment and Flood Risk Assessment. The site comprises a derelict building with a single small outbuilding is present on site. In addition, there is a large car park to the rear which consists of hard standing and is in active use. No habitats of conservation significance were noted within the site.

European sites

The AA screening report identified 17 European sites within a precautionary zone of interest (Zoi). Four of these were considered to have a relevant source-pathway-receptor link (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA). I refer the Commission to the section 9.0 of the original inspector's report dated 12th October 2023.

Northwest Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original Inspector's report 12th October 2023. because it was not created until 2023.

Effect mechanisms

I consider that the only possible effect mechanisms to Northwest Irish Sea SPA are as a result of emissions to surface water at construction and operational stages and discharges from Ringsend WwTP into Dublin Bay. The site does not provide ex-situ habitat for the special conservation interest (SCI) species of the SPA.

European sites at risk

As previously set out this AA screening only considers Northwest Irish Sea SPA as all other European sites were included in the AA screening carried out in the original Inspector's report dated 12th October 2023.

Table 1 - European site at risk from impacts of the proposed project			
Effect mechanism	Impact pathway	European site	SCI features at risk
A) Surface water pollution during construction phase	direct impact via a hydrological pathway	North West Irish Sea SPA (site code 004236)	Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018]
B) Discharges from Ringsend WwTP	Indirect impact via the foul network and marine environment		Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]

The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

Likely significant effects on the European site 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European site and qualifying features (North West Irish Sea SPA)	Conservation objectives	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018] Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]	15 SCIs have, as their conservation objective, to maintain its favourable conservation objective i.e. A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200. Six SCIs have, as their conservation objective, to restore its favourable conservation objective i.e. A009, A017, A018, A184, A188, and A204.	N	N

Effect Mechanism A (surface water pollution during construction phase)

There is potential for a hydrological pathway via the River Liffey from the subject site and potential surface water discharge during construction and operational phases to North-west Irish Sea SPA, given the distance to the European site, any silt or pollutants will settle, be dispersed, or diluted within the marine environment. The works will be carried out within an

extensive urban environment with existing disturbance and traffic noise impacts, in addition to a busy working port with vessel activity and noise would not be seen to be significant in the context of this highly disturbed environment.

The site is c. 6.8km to the southwest of Northwest Irish Sea SPA over both surface water and marine environments and the possibility of any impact on Northwest Irish Sea SPA from surface water discharge from the site is not at all likely.

Effect Mechanism B (Discharges from Ringsend WwTP)

Similarly, foul water from the development site would discharge to the public system and would be appropriately treated at Ringsend WwTP. The subject development would contribute a negligible additional loading to the WwTP. I do not consider that there would be any likelihood of an impact on North-West Irish Sea SPA which is approx. 2.2km from the WWTP outfall, across the marine environment.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any SCI species of Northwest Irish Sea SPA and, as such, I also conclude that it would have no likely significant effect in combination with other plans and projects on the SPA. No further assessment is required for the project.

Overall Conclusion – Screening Determination

I conclude that the proposed development would not have a likely significant effect on North West Irish Sea SPA. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts which does not include Northwest Irish Sea SPA (site code 004236), and,
- the nature of the site which is not an ex-situ site for SCI species.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.