



Inspector's Report

PL-500672-DN-26

Development	PROTECTED STRUCTURE: Construction of 2 artist's studios and all associated site works.
Location	5 and 6 Henrietta Street, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2590/25
Applicant(s)	Pat Wigglesworth
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party Vs Conditions
Appellant(s)	Pat Wigglesworth
Observer(s)	None
Date of Site Inspection	None
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.21 ha is located at the rear of No 5-8 Henrietta Street and comprises a series of rear structures and lands fronting onto Henrietta Lane, which formerly accommodated mews structures and outbuildings attendant upon the houses on the north side of Henrietta Street, dating from between 1704 to 1755. No intact mews or other service structures contemporary to the 18th century houses survive.
- 1.2. The appeal site is occupied by a series of derelict light industrial structures mainly dating from the early 20th century and with the exception of that to the rear of No 8 are all unroofed and in ruinous state. The new artists' studios proposed are located on the remaining rear garden lands of No. 5 Henrietta Street and are proposed to replace artists' studios currently provided at No's 5 and 6 Henrietta Street.

2.0 Proposed Development

- 2.1. Planning permission was sought from Dublin City Council on 7th July 2015 for the construction of an artist's studio, set back from the boundary adjoining No 4 and No 7 Henrietta Street, and accessed from Henrietta Lane. The development includes 2 no. studios over two storeys, featuring an external staircase for access to the upper floor. The gross floor space of the proposed works is 141.78 sqm. The lands are situated to the rear of and within the curtilage of the protected structure.
- 2.2. Detailed design elements of the scheme include:
 - The building is deliberately offset from the protected boundary wall, creating a linear buffer zone that allows light, air, and landscape to soften the site edge while respecting the adjacent historic fabric.
 - The form is organized as a compact two-storey volume with a clerestory roof
 - The design uses stepped volumes and setbacks to balance privacy, context sensitivity, and spatial richness in a constrained inner-city setting.
 - The external envelope is clad in dark standing seam metal and at ground level, the elevation facing the rear of the Georgian houses is articulated in brick.
 - An external stair provides access to the first floor.

- A gated pedestrian entrance in metal marks the threshold into the laneway

2.3. The application was accompanied by the following:

- Architectural Heritage Impact Assessment and Appendices
- Design Statement

2.4. Further information was submitted on 20th November 2025 and may be summarised as follows:

- Proposed landscaping along with detailed drawings covering all materials, finishes. Lighting and boundary treatments
- Bin-store design
- On collection days, the bins will be wheeled to Henrietta Lane for pickup.
- Revised garden-facing elevation with a translucent glazing system to allow increased natural light into the studios while preventing overlooking to the neighbouring garden
- No modifications to Henrietta Lane are proposed to enable site access
- Detailed layout of the 6 artists' studios. No staff required. Artists will determine their own schedules. Entry into the artists studio is by invitation of the artists only, no general public access is allowed
- Revised drawing showing the provision of Sheffield stand parking for artists and visitors. No staff parking is proposed as the development does not require staff.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DCC Issued notification of decision to grant permission subject to 12 no conditions on 17th December 2025. Condition No 2 and 3 are relevant to this appeal as follows:

2	A development contribution in the sum of €17, 297.16 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on
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	<p>commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.</p> <p>Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.</p>
3	<p>A development contribution in the sum of €5, 387.64 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority.</p> <p>The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).</p>

3.2. Planning Authority Reports

3.3. Planning Reports

3.3.1. The **Case Planner** in their first report considered that the main issues for assessment under the following headings:

- Principle of Proposed Development
- Use/ Design/ Layout/ Impacts on Surrounding Amenity
- Conservation and Visual Impact
- Access, Movement and Transportation
- Services and Drainage
- Archaeology

3.3.2. The Case Planner, with reference to the reports of the Conservation Section, Transportation Planning Division requested Further Information (FI) in relation to the following:

- Landscaping plan and proposals for the storage and collection of waste
- Revised drawings for the proposed artists' studio to provide a well-articulated garden-facing elevation
- Details in relation to site access, control and modifications required to Henrietta Lane to ensure safe pedestrian / cyclist access, details of how many staff will be working on site and proposed operational hours and drawings showing compliance with the Development Plan bicycle parking dimensions.

3.3.3. Further information was requested on 1st September 2025.

3.3.4. The **Case Planner** in their second report and having considered the FI submitted had no objection to the scheme subject to conditions as set out in their report. The notification of decision issued by DCC reflects this recommendation.

3.4. **Other Technical Reports**

- **DCC Conservation Officer's Report** – In their **first report** noted that the proposed development of an artists' studio is part of a larger development that would include the future construction of seven mews houses within the former mews yard north of the garden and that same will be subject of a separate, concurrent planning application. The Conservation Officer requested further information in relation to (1) revised drawings to provide a well-articulated garden facing elevation, (2) justification for the linear zones to the north and west of the

proposed studio and (3) photographic samples and written details of proposed materials for use in the artists' studio. In their **second report** and having considered the FI submitted recommended that planning permission be granted subject to conditions as set out in their report.

- **Transportation Planning Report** - In their **first report** requested further information in relation to (1) site access, control and modifications required to Henrietta Lane to ensure safe pedestrian / cyclist access, (2) details of how many staff will be working on site and proposed operational hours and (3) drawings showing compliance with the Development Plan bicycle parking dimensions. In their **second report** and having considered the FI submitted recommended that planning permission be granted subject to conditions as set out in their report.
- **Development Contributions Report** - Section 48 Development Contribution in the amount of €17,297.16 and Section 49 Luas Cross City Development Contribution in the amount of €5,387.64. Detailed calculations provided in their report. Condition No 2 and 3 of the notification of decision to grant permission reflects this recommendation.
- **Archaeology Report** – No objection subject to conditions as set out in their report.
- **Drainage Report** - No objection subject to conditions as set out in their report.
- **Air Quality Monitoring & Noise Control Unit** - No objection subject to conditions as set out in their report.

4.0 Prescribed Bodies

- 4.1. **Transport Infrastructure Ireland** - The proposed development falls within an area set out in a Section 49 Levy scheme for Light Rail. The Section 49 scheme lists several exemptions where the levy does not apply. If the above application is successful and not exempt, as a condition of the grant please include for the Section 49 Contribution Scheme Levy.

5.0 Third Party Observations

- 5.1. None

6.0 Planning History

- 6.1. There is no evidence of any previous appeal on this site. Reference is made to the following planning application in the appeal, located to the front of the site.
- 6.2. **Reg Ref WEB6039/25** – DCC granted planning permission subject to conditions to Patrick Wigglesworth (applicant in this appeal) for works and change of use to No 5-6 Henrietta Street, Dublin 1, protected structures located in an Architectural Conservation Area. It is stated that the proposed development is part of an overall masterplan (which also, under a separate planning application, includes the development of Long Term Occupancy Housing and Artists' Studios at lands to rear of 5, 6, 7 and 8 Henrietta Street within the curtilage of protected structures and facing onto Henrietta Lane), and will comprise conservation, repair and adaptation works to 5 - 6 Henrietta Street for the re-joining of 5 and 6 Henrietta Street into a single central 'Palace' structure as originally designed, and for a change of use from multiple Artists' Studios incorporating overnight accommodation, to use as Long and Short Term Lease Apartments at No 5-6, Henrietta Street, Dublin 1.
- 6.3. With reference to the DCC Planning Portal the following is noted as summarised:
- Neither a Section 48 nor a Section 49 Development Contribution were attached to the decision.
 - There is no DCC Development Contributions Report on the file.
 - Transport Infrastructure Ireland (TII) noted that the proposed development falls within an area set out in a Section 49 Levy scheme for Light Rail. The Section 49 scheme lists several exemptions where the levy does not apply and if the above application is successful and not exempt, a Section 49 Contribution Scheme Levy is to be attached.
 - At time of writing no appeal has been received in relation to this decision.
 - **Note:** DCC issued a notification of decision to grant permission on 22nd April 2026 subject to 17 no conditions with amendments to the conditions issued on 1st May 2026 that also reduced the number of conditions to 15 under Section 146(A)(1)(a) of the Planning and Development Act 2000 (as amended).

- 6.4. Reference is also made to the recently permitted development of 7 no mews houses to the rear of and within the curtilage of Protected Structures at 5, 6, 7 and 8 Henrietta Street and summarised as follows:
- 6.5. **Reg Ref WEB2713/25** – DCC granted planning permission subject to conditions to Patrick Wigglesworth (applicant in this appeal) and Dan Lucy Ltd for clearance of existing single storey walls and the construction of a terrace of seven new three storey mews houses, situated to the rear of the Protected Structures at 5, 6, 7 and 8 Henrietta Street, Dublin 1 and facing onto Henrietta Lane. It is noted that a Section 48 Development Contribution Condition (Condition No 2 - €116,450.10) and a Section 49 Development Contribution (Condition No 3 - €14,000.00) were attached to the decision. The decision has not been appealed.

7.0 Policy Context

7.1. Development Plan

- 7.1.1. The operative plan for the area is the **Dublin City Development Plan 2022 – 2028**. The Georgian portion of Henrietta Street and the Protected Structures and rear garden (location of two-storey artist studio) is zoned **Z8 Georgian Conservation Areas** where the objective is *to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective*. The aim of Z8 zoning, which primarily encompasses the city's Georgian squares and adjoining Georgian streets, is to protect the architectural character/design and overall setting of these areas, and to maintain and enhance them as active residential streets and squares during the day and at night.
- 7.1.2. The rear Henrietta Lane (narrow access laneway) portion of the site is zoned **Z1 Sustainable Residential Neighbourhoods** where the objective *is to protect, provide and improve residential amenities*.
- 7.1.3. Nos 5 and 6 Henrietta Street are Protected Structures (No.5 RPS Ref: 3652 and No. 6 RPS Ref: 3653) and are considered by the NIAH to be of National importance and Architectural, Artistic and Technical special interest (No. 5 NIAH Ref: 50010683 and No. 6 RPS Ref: 50010684).

7.1.4. The Protected Structures are also within a red hatch Conservation Area. Henrietta Street is a priority Architectural Conservation Area (ACA) project which will be progressed over the Development Plan 2022-2028 period subject to a prioritisation programme.

7.2. **Natural Heritage Designations**

7.2.1. The site is not located within any designated Natura Site.

8.0 **EIA Screening**

8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 **The Appeal**

9.1. **Grounds of Appeal**

9.1.1. The first party appeal has been prepared and submitted by Brock McClure Planning & Development Consultants on behalf of the applicant and may be summarised as follows:

- The applicant is seeking a review of the correct application of relevant Section 48 and Section 49 Development Contribution Schemes. The payment of €22,684.80 is considered excessive in this case.
- The development is intended solely to re-house artists who are being displaced as a direct consequence of refurbishment works to the Protected Structure (Nos 5 and 6 Henrietta Street) at the front under Reg Ref WEB6039/25 (see Section 6 Planning History of this report above) and is not speculative in nature.
- The studios do not constitute a commercial development and are not intended to be used for profit or gain. The application of excessive development contributions in this instance will have a direct bearing on the rents that must be charged and would undermine the purpose of the development.

- **Condition No 2** – ACP is referred to the Dublin City Council Development Contribution Scheme 2023-2026 which states that the following development will not be required to pay a Section 48 Development Contribution scheme:

Development to be used for social, recreational or religious purposes and not to be used for profit or gain;

- **Condition No 3** – ACP is referred to Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen's Green to Broombridge Line) which also states that the following development will not be required to pay development contributions under the scheme:

Development to be used for social, recreational or religious purposes and not to be used for profit or gain;

- It is submitted that having regard to the operation of the approved artist studios, the development falls within the above exemption under both schemes, being used for “social” and “recreational” purposes as a cultural artist studio building.
- Having regard to the non-commercial nature of the development, its cultural and community benefit, and the stated exemption with the Development Contribution Scheme, the applicant respectfully requests that ACP consider the removal in their entirety of Conditions 2 and 3 attached to the grant of permission.
- Where this is not accepted it is asked that consideration to be given to a reduction in the contributions payable given that the studios are linked to the refurbishment of the Protected Structure on site under WEB6039/25 to form part of a wider masterplan approach to development.

10.0 Planning Authority Response

10.1. DCC in their submission to ACP set out the following as summarised:

- The current Section 48 & Section 49 Development Contribution Schemes state:
Development to be used for social, recreational or religious purposes and not to be used for profit or gain;
- The intended use of the development (artist's studio) cannot be considered under the exemption above as it does not fall into this category. It cannot be proven that

the work carried out by the artists are not sold from the studio. This is a commercial development.

- Exemption within the curtilage of a Protected Structure only applies to works being carried out on a Protected Structure and not a building that is linked to same.
- Requested that ACP uphold the decision by DCC.

11.0 Observations

11.1. None

12.0 Further Responses

12.1. None

13.0 Assessment

- 13.1. Further to my examination of the planning file and the grounds of appeal the first party appeal is confined to the development levy set out in Condition No 2 (Section 48 Development Contribution) and Condition No 3 (Section 49 Supplementary Development Contribution Scheme) of the notification of decision to grant permission.
- 13.2. Section 48 and Section 49 of the Planning and Development Act (PDA) (as amended) make provision for planning authorities to adopt Development Contribution Schemes (S48) and Supplementary Development Contribution Schemes (S49). Development Contribution Schemes relate to the provision of local authority services such as parks/amenity, roads etc. Supplementary Schemes apply to development within a specified area where it is deemed to benefit from a specific project such as a LUAS line as is the case in this appeal.
- 13.3. First party appeals against a development contribution condition under S.48 or S.49 of the PDA (as amended) differ from normal planning appeals in that the Commission is confined solely to the consideration of whether the terms of the scheme were properly applied by the planning authority. Accordingly, this assessment is confined to the consideration of same in relation to Condition No 2 and 3 of the notification of decision to grant permission issued by DCC.

14.0 Condition No 2

- 14.1. The first party appeal against Section 48 in the amount of €17,297.16 (Condition No 2) is seeking a review of the correct application of the Section 48 Dublin City Council Development Contribution Scheme 2023-2026. The full wording of Condition No 2 is set out in Section 3 – Planning Authority Decision of this report above.
- 14.2. The Section 48 Scheme states that contributions are in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended to be provided, by or on behalf of Dublin City Council (regardless of other sources of funding for the infrastructure and facilities). Condition No 2 requires the payment of a financial contribution in the sum of €17,297.16 and this aligns with the recommendation of the DCC Development Contributions Report that sought payment of a Section 48 Development Contribution in the amount of €17,297.16. Detailed calculations are provided in their report.
- 14.3. The first party appeal centres on the circumstances where no contribution would apply in this case as set out in Section 10 of the Section 48 Scheme as follows:

Development to be used for social, recreational or religious purposes and not to be used for profit or gain;

- 14.4. The applicant submits that
- The development is intended solely to re-house artists who are being displaced as a direct consequence of refurbishment works to the Protected Structure (Nos 5 and 6 Henrietta Street) at the front under Reg Ref WEB6039/25 (see Section 6 Planning History of this report above) and is not speculative in nature.
 - The studios do not constitute a commercial development and are not intended to be used for profit or gain.
 - The studios are being provided to retain artists within the local community and to ensure the continuation of cultural activity on Henrietta Street and indeed the wider city area.
 - The occupants are not known to pay market rents and the development is not financially viable in the absence of affordable rents.

- The application of excessive development contributions in this instance will have a direct bearing on the rents that must be charged and would undermine the purpose of the development.
- Having regard to the operation of the approved artist studios, the development falls within the above exemption under both schemes, being used for “social” and “recreational” purposes as a cultural artist studio building.

14.5. I further note from the further information submitted on file that entry into the artists studio is to be by invitation of the artists only and that no general public access is allowed.

14.6. The applicant submits that having regard to the non-commercial nature of the development, its cultural and community benefit, and the stated exemption that the development does not require the payment of a Development Contribution under the Scheme.

14.7. The Planning Authority in their submission to ACP states that the intended use of the development (artist’s studio) cannot be considered under the above stated exemption as this is a commercial development and it cannot be proven that the work carried out by the artists are not sold from the studio.

14.8. Having regard to the foregoing it is evident that the application of a Section 48 Development Contribution in this case centres on the interpretation of an artist studio and whether it is used for “*social, recreational or religious purposes*” and is or is not “*used for profit or gain*”. No further explanation or definition of the foregoing is provided in the Section 48 Scheme.

14.9. **Social, recreational or religious purposes** – Development to be used for such purposes, in my view refers to land or buildings that are built, adapted or designated primarily to serve community, leisure or worship related activities and where the primary use is focused on public and / or community benefit. Development used for social purposes would typically include community halls, cultural centres and could even possibly extend to libraries and municipal museums. Development used for recreational purposes would typically include public parks, play grounds, sports centres and recreational walking / cycling trails. Development used for religious purposes would typically include churches, prayer halls and burial grounds. The foregoing is not an exhaustive list but rather offers everyday examples of what could

reasonably be interpreted as “*social, recreational or religious purposes*” within the meaning of a development contribution scheme. An artist studio may fit this category if it operated like a community cultural hub where there is a significant programme of public art classes, workshops, regular events and gatherings and a designated publicly available exhibition space. However, in this case it is evident that this is a private work place where entry into the studio will be by the invitation of the artists only and that no general public access is allowed. The development cannot therefore be considered to be used for social, recreational or religious purposes having regard to the ordinary or commonly understood meaning of same.

- 14.10. **Used for profit or gain** – I accept the applicant’s position that the primary intention of this development is to retain artists within the local community and to ensure the continuation of cultural activity on Henrietta Street rather than for profit or gain in the commercial sense. However, taking a very strict interpretation of “profit or gain”, if art is produced in the proposed studio and offered for sale any income regardless of how little or how infrequent is a gain irrespective of the profit level. Even if it can be demonstrated that there is a very low income from art sales it would not in my view, qualify the studio as having a social or recreational purpose as this is a private, appointment only studio. The development cannot therefore be considered as not being for used for profit or gain having regard to the ordinary or commonly understood meaning of same.
- 14.11. Having regard to the foregoing I am satisfied that the development is not exempt from the requirement to pay a development contribution and that DCC correctly applied Section 48 Dublin City Council Development Contribution Scheme 2023-2026 in this regard.
- 14.12. In the event that ACP does not accept that the development is exempt from the requirement to pay a Section 48 Development Contribution having regard to the foregoing exemption, the applicant asked that consideration to be given to a reduction in the contributions payable given that the studios are linked to the refurbishment of a Protected Structure on site under WEB6039/25 and that forms part of a wider masterplan approach to development of the site.
- 14.13. WEB6039/25 relates to the recently permitted permission for works and change of use to No 5-6 Henrietta Street, Protected Structures for the re-joining of both buildings into

a single central 'Palace' structure as originally designed, and for a change of use from multiple Artists' Studios incorporating overnight accommodation, to use as Long and Short Term Lease Apartments. Further details in relation to same are provided in Section 6.0 Planning History of this report above.

- 14.14. The Planning Authority in their submission to ACP states that the exemption within the curtilage of a Protected Structure only applies to works being carried out on a Protected Structure and not a building that is linked to same.
- 14.15. I refer to Section 11 of the Dublin City Council Development Contribution Scheme 2023-2026 where a number of developments that will be liable for a reduced rate of development contributions are listed. There are two that are relevant in this case as follows:
- *In the case of works to or change of use from residential to commercial use, of buildings included in the Record of Protected Structures development contributions will be calculated at 25% of the applicable rate. Protected Structure refers to the actual existing structure(s) and does not include development within its curtilage.*
 - *Permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution. For the purposes of this Scheme, minor extension is defined as a new extension, which is no greater than 50% of the extent of the total floor space of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage;*
- 14.16. In both developments described above it is clearly stated that the reduced rate applies to Protected Structures and both states very clearly that *Protected Structure refers to the actual structure(s) and does not include development within its curtilage*. There is no ambiguity in this regard.
- 14.17. It is accepted that the development is located entirely within the curtilage of No 5 and 6 Henrietta Street, Protected Structures and that it forms part of a conservation led approach to the overall development of the site. I further accept that the artists' studios are intrinsically linked to the protected structures and arise directly from its refurbishment. However, as acknowledged by the applicant, the exemptions do not automatically extend to curtilage lands. The artists' studios as proposed are part of a

new build development and is not a minor extension and is therefore not part of the actual Protected Structures and therefore no reduction in in the Section 48 Contribution payable applies in this case.

- 14.18. Having regard to the stated development contribution scheme it is recommended that a suitably worded condition be attached to any grant of planning permission requiring the payment of Section 48 Development Contribution in accordance with the Planning and Development Act 2000 (as amended).
- 14.19. Having regard to the foregoing I am satisfied that the scheme would not benefit from a reduction in contribution payable and that DCC correctly applied the Section 48 Dublin City Council Development Contribution Scheme 2023-2026 in this regard.
- 14.20. **Conclusion** - While the proposed development, comprising the relocation of the existing artists' studios from the Protected Structure to this purpose built, well considered and suitably designed artist studio, discreetly located within the curtilage of a Protected Structure site and part of a wider masterplan is laudable and same is to be supported, as demonstrated in the grant of planning permission issued by DCC, it remains that this development is not exempt from the requirement to pay a Section 48 Development Contribution in this case.

15.0 **Condition No 3**

- 15.1. The first party appeal against Section 49 in the amount of €5,387.64 (Condition No 3) is seeking a review of the correct application of the Section 49 Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen's Green to Broombridge Line). The full wording of Condition No 3 is set out in Section 3 – Planning Authority Decision of this report above.
- 15.2. The Section 49 Scheme allows a Planning Authority to attach a condition to a planning permission for development that will benefit from a specified public infrastructure service or project namely the Luas Cross City (St. Stephen's Green to Broombridge Line) in this scheme. Condition No 3 requires the payment of a supplementary financial contribution in the sum of €5,387.64 and this aligns with the recommendation of the DCC Development Contributions Report that sought payment of a Section 49

Luas Cross City Development Contribution in the amount of €5,387.64. Detailed calculations are provided in their report.

- 15.3. Similar to the appeal against Condition No 2 above the first party appeal centres on the circumstances where no contribution would apply in this case as set out in Section 11 of the Section 49 Scheme as follows:

Development to be used for social, recreational or religious purposes and not to be used for profit or gain;

- 15.4. In the event that ACP does not accept that the development is exempt from the requirement to pay a Section 49 Supplementary Development Contribution, the applicant asked that consideration to be given to a reduction in the contributions payable given that the studios are linked to the refurbishment of a Protected Structure on site under WEB6039/25 and that forms part of a wider masterplan approach to development of the site.

- 15.5. I refer to Section 12 – Reductions of the Section 49 Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen's Green to Broombridge Line) where a number of categories of developments that will be liable for a reduced rate of development contributions are listed. There are one that is relevant in this case as follows:

Permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution. For the purposes of this Scheme, minor extension is defined as a new extension, which is no greater than 50% of the extent of the total floor space of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage;

- 15.6. I have considered the Section 49 Scheme and there are no other relevant categories of development that are exempted from the requirement to pay a Section 49 Supplementary Contribution or that are liable for a reduced rate of Supplementary Contribution that would apply to the development in this case.

- 15.7. As the categorises outlined above are virtually the same as those of the Section 48 Scheme, the argument put forward by the applicant to have this condition removed and failing same to have the level of contribution reduced and the response of the

Planning Authority to the appeal are the same. Accordingly, I refer the Commission to my assessment of the appclaiton Scheme 48 scheme above where I concluded as follows:

- The development is a private work place where it is stated that entry into the artist's studio will be by invitation of the artists only and that no general public access is allowed and therefore the development is not exempt from the requirement to pay a development contribution is not a development that is to be used for social, recreational or religious purposes and is to used for profit or gain;
- The artists' studios as proposed, is part a new build development and is not a minor extension and is therefore not part of the actual Protected Structures and therefore no reduction in in the contribution payable applies

15.8. Having regard to the foregoing I am satisfied that the scheme would not benefit from a reduction in contribution payable and that DCC correctly applied Section 48 Dublin City Council Development Contribution Scheme 2023-2026 in this regard.

15.9. Having regard to the foregoing I am satisfied that the development is not exempt from the requirement to pay a supplementary development contribution and neither would it benefit from a reduction in supplementary contribution payable. DCC correctly applied the Section 49 Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen's Green to Broombridge Line) in this regard.

16.0 AA Screening

16.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises the construction of an artist's studio (141.78 sqm) within the curtilage of the protected structure. No nature conservation concerns were raised in the planning appeal.

16.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works e.g. small scale urban development.
- Distance from nearest European site and lack of connections.

- Taking into account determination of the Planning Authority.

16.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

17.0 Water Framework Directive

17.1. 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.

17.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

17.3. 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.

18.0 Recommendation

18.1. Overall, I am satisfied that the Council applied both Section 48 Dublin City Council Development Contribution Scheme 2023-2026 and the Section 49 Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen's Green to Broombridge Line) correctly in Condition No 2 and 3 of the notification of

decision to grant permission respectively. Having regard to the stated development contribution schemes and the proposed development it is recommended that the Board directs the Council under subsection (10) (b) of Section 48, of the Planning and Development Act, 2000 and to **ATTACH** the Section 48 Development Contribution condition and the Section 49 Supplementary Development Contribution condition for the reason and considerations set out.

19.0 Reasons and Considerations

- 19.1. Having regard to the provisions of the Dublin City Development Plan 2022 – 2028, the Section 48 Dublin City Council Development Contribution Scheme 2023-2026 as adopted under Section 49 of the Planning and Development Act 2000 (as amended) and the Section 49 Dublin City Council Supplementary Development Contribution Scheme Luas Cross City (St. Stephen’s Green to Broombridge Line) as adopted under Section 49 of the Planning and Development Act 2000 (as amended) and the absence of any clause allowing for exemption and/or reduction in payment of a contribution for the development of an artist studio within the curtilage of a Protected Structure, it is considered that this development would benefit from public infrastructure and facilities in the area of the Planning Authority and that is provided or that it is intended to be provided and that it would therefore be appropriate to attach a Section 48 Development Contribution condition and a Section 49 Supplementary Development Contribution condition in respect of LUAS Cross City.

20.0 Conditions

2	A development contribution in the sum of €17, 297.16 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution
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	<p>Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.</p> <p>Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.</p>
3	<p>A development contribution in the sum of €5, 387.64 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority.</p> <p>The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.</p> <p>Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

15th May 2026

21.0 Appendix 1 - Form 1 EIA Pre-Screening (EIAR not submitted)

Case Reference	PL-500672-DN
Proposed Development Summary	PROTECTED STRUCTURE: Construction of 2 artist's studios and all associated site works
Development Address	5 and 6 Henrietta Street, Dublin 1
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

<input checked="" 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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold
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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

22.0 Appendix 2 - WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500672-DN	Townland, address	5 and 6 Henrietta Street, Dublin 1
Description of project		PROTECTED STRUCTURE: Construction of 2 artist's studios and all associated site works	
Brief site description, relevant to WFD Screening,		The site is located in an established urban.	
Proposed surface water details		Public sewer / drain	
Proposed water supply source & available capacity		Existing public mains	
Proposed wastewater treatment system & available capacity, other issues		Existing public sewer	
Others?		Not applicable	