



An  
Coimisiún  
Pleanála

## Inspector's Report PL-501390-DS-26

### Development

Site clearance works, including the demolition of all existing buildings/structures on site, construction of an Aparthotel building with a Café, a public bar/event space and all associated site works.

### Location

Site at Thomas Street, including No. 144 Thomas Street (the site is bounded by No. 143 Thomas Street, and Marshalsea Lane to the east and No's 151-156 Thomas Street to the west), Dublin 8

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB1165/26

### Applicant(s)

Welthomas Property Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

First Party Normal Planning Appeal

|                                |                                                                            |
|--------------------------------|----------------------------------------------------------------------------|
| <b>Appellant(s)</b>            | Máire Devine TD<br>Welthomas Property Ltd                                  |
| <b>Observer(s)</b>             | Lesley Byrne<br>Pauline McAdams<br>Tracey McDonnell<br>Orla Russell-Conway |
| <b>Date of Site Inspection</b> | 19 August 2026                                                             |
| <b>Inspector</b>               | Claire McVeigh                                                             |

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## 1.0 Site Location and Description

- 1.1. The subject site (stated site area 0.190 ha.) is located off Thomas Street, Dublin City South, Dublin 8. The site is currently in use as a surface car park by the adjoining office premises 'The Masonry' Iconic Offices, west of the site. This adjoining four storey with Mansard attic office building is the former Irish Agricultural Wholesale Society (IAWS) building (151-156 Thomas Street), rated as being of regional importance on the National Inventory of Historic Buildings and constructed between 1907 and 1920. To the east is a single storey boarded up façade blocking what appears on the site location map to be Marshalsea Lane and a single storey structure (stated to be in ownership by the local authority) (No. 143) and adjoining that is no. 142 Thomas Street a three-storey building in use at ground floor by Foróige Youth Community with residential use/office use on the upper floors. Robert Emmet Close is located to the north of the subject site and comprises a three-storey residential scheme with on-street parking and forms a cul-de sac off Bridgefoot Street.
- 1.2. The subject site is within the Historic City DU018-0202 Records of Monuments and Places (RMP) and sites and within the Medieval City as indicated in Figure 11-2: Dublin's Historic Core in the Dublin City Development Plan 2022-2028 (as varied). The submitted Architectural Design Statement prepared by *Plus Architecture* states that *"Clarke's medieval map of Dublin illustrates a number of important medieval features in the area including St. Catherine's Church, the city aqueduct and a parallel street to the North of the site subject of this planning application, Crocker's Street later called Marshall Street and Mullianhack now lost"*. A section of the Marshalsea wall forms the northern boundary of the site. The report from the Archaeology Section of Dublin City Council reports that the *"northern boundary of the site is defined by a large wall built of calp limestone, which originally formed the southern boundary of the Marshalsea Prison. Built in 1775 as a debtor's prison, the complex was later used as a barracks and as tenements before being substantially demolished in the 1970's"*. The site is directly opposite the Architectural Conservation Area (ACA) for Thomas Street & Environs and the street itself is a designated conservation area.

- 1.3. An existing electricity substation single storey structure is positioned in the southwest of the site. There is vehicular access directly from Thomas Street into the existing car park and to the rear there is a gated entrance off Robert Emmet Close / Marshal Lane.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises site clearance works, including the demolition of all existing buildings / structures on site (37.70 sq. m), including the existing boundary wall and gates along the Thomas Street frontage, and the construction of a new Part 1-;Part 3-; Part 4-; Part 5-; Part 6-storey Aparthotel building with a total Gross Floor Area of 5,152 sq.m (GIA) together with the formation of a new vehicular access and ramp off Thomas Street leading to a loading bay / service area at the rear of the proposed building.
- 2.2. The ground floor level would accommodate 12 no. cycle parking spaces for staff and staff changing rooms /showers; ancillary plant and storage rooms; waste/refuse storage facilities and an ESB sub-station and switch room. The proposed aparthotel reception area (188 sq.m) at ground floor level would be accessed off Thomas Street along with a Café of 52 sq.m that is provided along the Thomas Street frontage at ground floor level. Aparthotel rooms / suites are provided at ground to fourth floor level (80 no. self-contained / self-catering units all 1 no. bedroom).
- 2.3. At fifth floor level, a public bar / event space (225 sq.m) with south facing roof terrace is proposed. Other site works include the provision of hard and soft landscaping measures to ancillary amenity spaces. The proposed building incorporates sustainable drainage measures that includes green roofs and underground attenuation tank. Screened plant is provided at rooftop level.
- 2.4. In addition to the architectural and engineering drawings the application is supported by the following:
- Appropriate Assessment (AA) Screening Report
  - Archaeology and Cultural Heritage Report
  - Architectural Design Statement
  - Climate Action Energy Statement

- Civil Engineering Infrastructure report
- Construction Phase Environmental Management Plan
- Daylight and Sunlight Assessment
- Environmental Impact Assessment (EIA) Screening Report
- Hotel Accommodation Concentration Report
- Operational Waste Management Plan
- Outline Operational Management Plan
- Planning Report and Statement of Consistency
- Resource Waste Management Plan
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Townscape and Visual Impact Assessment
- Verified Photomontages

In response to a request for further information the applicant submitted a letter and refers to the following drawings:

- Drawing No. TS-BMD-ZZ-ZZ-DR-C-11400 & TS-BMD-ZZ-ZZ-DR-C-11401, Engineers (in response to Item 4); prepared by Barret Mahony Consulting Engineers;
- Drawing No. TS-BMD-ZZ-ZZ-DR-C-11402, prepared by Barret Mahony Consulting Engineers (in response to Item 5); and
- Drawing No. THS-PLA-Z1-00-DR-A-02001-2-Ground Floor Plan prepared by Plus Architecture (in response to Item 6).

No further design adjustments were made to the building height or massing as part of the response to the further information request.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 20 May 2026 the planning authority granted permission subject to 16 no. conditions.

#### 3.1.1. Conditions

Condition no. 3. Prior to commencement of development revised floor plans, drawings and particulars showing the following amendments shall be submitted to the planning authority and written agreement obtained:

(a) The partial fourth floor level shall incorporate a setback of 1.8m behind the parapet level of the main building and the facade at this level shall incorporate an increased proportion of glazing. An additional setback may be provided at fifth floor level if required to accommodate the roof terrace.

Reason: In the interests of visual amenity and to ensure that the proposals does not appear unduly dominant in the streetscape or the adjoining Thomas Street and Environs ACA.

Condition no 4. The aparthotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Section 15.14.1.2 of the Dublin City Development Plan (2022-2028) and in accordance with the details set out in the submitted management plan. The aparthotel units shall not be used as independence and separate self-contained permanent residential units.

Reason: To ensure the appropriate use of the units having regard to their size, design and location.

Condition no. 5. The fifth-floor bar/event space shall generally be publicly accessible during normal opening hours.

Reason in the interests of amenity.

Condition no. 10. The developer shall comply with the following requirements of the City Archaeologist:

- a) The developer shall agree in writing with the planning authority measures to be taken to protect the up standing section of the Marshalsea wall which forms the northern boundary of the site.
- b) The developer shall retain a suitably qualified license eligible archaeologist to advise regarding the archaeological implications of demolition and construction methodology.
- c) The nature, extent and location of sub-surface archaeological material on the site shall be determined by way of archaeological testing and/or monitoring of site investigation works. Trial trenches shall be excavated to the top of the archaeological deposits only.
- d) The developer's archaeologist shall submit their method statement for testing in advance to the planning authority for written agreement.
- e) A report containing the results of the archaeological testing shall be submitted on completion to the planning authority. Where archaeological material is shown to be present though testing, a detailed impact statement shall be prepared. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the report.
- f) The planning authority (in consultation with the City Archaeologist and the National Monuments Service), shall determine the further archaeological resolution of the site to be agreed in writing. The development shall comply in full with any further archaeological requirement, including archaeological monitoring, excavation and/or the preservation in situ of archaeological remains.
- g) Should archaeological excavation occur the following shall be submitted to the planning authority, the applicant/developer shall agree a programme timeline for the delivery of reports to be submitted before, during and after any excavation with the City Archaeologist. Following submission of the final report to the planning authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed during development.

Condition no. 11 Works to the public road and provision of a minimum of 13 cycle parking spaces.

Condition no. 14 Noise level controls.

Condition no. 15 Construction Management Plan, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste etc.

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

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

Initial Planner's report dated 23 March 2026

#### **3.2.2. The main issues identified for assessment included the following:**

Principle of Proposed Development/Compliance with Zoning/Demolition of Buildings, Compliance with Policy, Compliance with Standards, Conservation, Heritage and Archaeology, Impact on Residential and Visual Amenity, Access, Movement and Parking and Services and Drainage.

- Principle of development: Aparthotel use is not listed as a separate use category in the list of permissible uses in the development plan, hotel use is permissible in principle within the Z5 zoning, as is residential use and café/restaurant use. Noting section 15.14.3 of the development plan which sets out a general presumption against the provision of dedicated short-term tourist rental accommodation in the city due to the impact on the availability of housing stock it is highlighted that the principle of an aparthotel development on the site has previously been accepted by the planning authority and An Coimisiún Pleanála (planning register reference 4029/24/ABP-321007-24).
- Further information sought in respect to:
  - a. Consider a redesign of the fourth-floor level to reduce its impact on the adjoining context. The applicant is also requested to consider alternatives

to the proposed red brick finish, such as a yellow brick to be more in keeping with the surrounding area.

b. The applicant to demonstrate how it is proposed to comply with the requirement to provide 5% of floorspace as community, arts/or culture spaces, which may include exhibitions, performance, and artist workshops, predominantly by way of internal floorspace.

c. The applicant is requested to submit an amended design showing a greater mix of units' sizes and types.

d. The applicant is requested to propose measures to mitigate potential obstruction of the cycle and bus lanes on Thomas Street as a result of guest drop-off/pick-up for the proposed development. Regard should be had to the permitted BusConnects Liffey Valley to City Centre Core Bus Corridor scheme, where relevant. The applicant is requested to demonstrate that the conference/event space/public bar can be serviced from within the site by reference to the type and frequency of vehicles. The applicant should indicate where keg trucks will be accommodated for the proposed public bar.

e. Revised drawings to reduce the crossing distance for pedestrians at the vehicular entrance. This should include measures to improve pedestrian priority such as tactile paving, a raised entry treatment or similar.

f. Detailed plan of the proposed bicycle parking area.

g. Submit a new pre-connection enquiry (PCE) to Uisce Eireann and to submit the outcome of this assessment to the planning authority.

- Screens out the need for Appropriate Assessment
- Excludes at preliminary examination the need for environmental Impact Assessment.

#### Second Planner's Report dated 19 May 2026

- In respect to Item 1 of the further information request from viewing the submitted drawings and photomontages, it is considered that the proposed four-storey parapet height is generally in keeping with the existing

streetscape. There are concerns in relation to the impact of the proposed partial fourth floor (fifth storey) when viewed in the surrounding context. In order to reduce its prominence in the streetscape and ensure a more consistent parapet level, it is considered that this element should be set further back from the parapet level and should comprise a higher proportion of glazing by condition. A condition can also be attached requiring a greater variety in the proposed brick finish in order to better reflect the traditional narrow grain of the street.

- In response to Item 2 does not concur with the applicant's statement in respect to the need or otherwise to provide 5% community, arts and cultural space in all new regeneration areas given that the 5% provision within Objective CU025 applies to all new developments within the SDRA regardless of floor area, however, it is noted that the drawings show a public bar/event space at fifth floor level. This could provide some community gain to the area by being publicly accessible and made available for local cultural events/exhibitions. A condition can be attached in this regard.
- The applicant has provided a rationale for retaining the proposed use mix which allowed for the amalgamation of some units when required and the proposal can be considered on this basis.
- The proposed development has been designated to allow for all building servicing, delivery, drop off and set down to occur within the site and no vehicle movements will impinge on the BusConnects corridor along Thomas Street. Transportation Planning Division notes same and considers proposals to be acceptable.
- Measures to improve pedestrian priority at the vehicular entrance are acceptable subject to details in relation to materials, tactile paving and other arrangements to be agreed by condition.
- A revised ground floor plan has been submitted to provide bicycle storage parking in accordance with Section 6 of the Cycle Design manual. Only Sheffield stands are proposed with no stacking system, and the applicant has provided a larger non-standard space.

- Notes that the applicant has not re-engaged with Uisce Éireann in respect to requesting a new confirmation of feasibility (CoF). They accept that Uisce Éireann have previously confirmed that water and wastewater connections are feasible; however, it cannot be determined whether upgrades to facilitate these connections will be required. This will need to be determined at connection application stage.
- No further environmental considerations with respect to EIA/AA following receipt of the further information and recommends a grant of permission.

### 3.2.3. Other Technical Reports

- Environmental Health: No objection subject to conditions.
- Engineering Department – Drainage Division - Noting further information received no change to original report:
  - Drainage Planning, Policy and Development Management Division (DPPDMD) has no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.
  - The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of the surface water management proposals shall be agreed in writing with the planning authority prior to the commencement of the development.
  - The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.

- **Transportation & Public Realm Department:** The subject site is located along the proposed Bus Connects Liffey Valley to City Centre Core Bus Corridor Scheme.

Thomas Street is a major arterial access route within the city centre. A mix of commercial and residential uses characterise the street. The footpath adjacent to the site ranges from c. 4.3m to c. 5.3m in width and accommodates electricity cabinets, temporary landscaping features (box planters) and a heritage lighting column. Public cycle parking in the form of Sheffield stands is provided in a number of locations on the northern side of Thomas Street in the vicinity of the site.

The site is in a highly accessible location for both active travel and public transport, as detailed in Section 7 of the submitted Traffic & Transport Assessment. Thomas Street forms part of the permitted BusConnects Liffey Valley to City Centre Core Bus Corridor scheme, under which segregated cycle lanes are proposed adjacent to the site. The planned works also result in a moderate reduction in footpath width to approximately 3-5m in width.

Further information requested in respect to measures to mitigate potential obstruction of the cycle and bus lanes on Thomas Street as a result of guest drop off/pick up, serving of the event space/public bar and how key trucks would be accommodated. Revised drawings to reduce the crossing distance for pedestrians at the vehicular entrance. Revised bicycle parking provision.

Following receipt of response to further information notes no objections subject to condition.

- **Archaeology Section report:** The proposed development is located on the medieval Thomas Street in an area of high archaeological potential. An archaeological desk assessment report has been submitted with this application and recommends that the site be subject to archaeological testing prior to development. This office concurs with this recommendation and notes that there may be further requirements for archaeological excavation and/or preservation in-situ of features depending on the results of testing.

The current application has been modified in the following ways to address the previous reasons for refusal and concerns of the archaeology section:

- The height of the development has been reduced by one storey. The overall façade design and material choice remains the same.
- The building has been set back from the rear boundary and will not cover the line of Crockers Lane.
- The Marshalsea wall will be retained as part of this development.
  - The basement level has been removed, and impact has been further reduced by design of a drainage strategy, which will not require a below ground attenuation tank.
  - An updated desk based archaeological assessment has been submitted for the new design.

Concerns are raised in relation to the proposed façade design which does not respond sympathetically to the historic streetscape in terms of scale and urban grain given that Thomas Street is largely still defined by the narrow burgage plots laid out in the medieval period.

Conditions recommended in the event of a grant of permission.

### 3.3. **Prescribed Bodies**

Uisce Eireann: **Initial report** Uisce Éireann notes the applicant is seeking a connection(s) to the public network. Uisce Éireann notes the applicant received a Confirmation of Feasibility for connections to the public network in excess of 12 months ago. Given the time that has elapsed and the demand for public water and wastewater services, to ensure adequate provision of public water and wastewater services and to assess feasibility of connection(s) to the network the applicant is requested to submit a new Pre-Connection Enquiry (PCE) to Uisce Éireann and submit the outcome of this assessment Planning Authority by way of Further Information.

The applicant shall engage with Uisce Éireann by submitting a pre-Connection Enquiry (PCE) to assess feasibility of connection to the public water / wastewater infrastructure. The outcome of the PCE shall be submitted to the Planning Authority as a response to Further Information Request.

**Second report following receipt of further information:** The applicant has not re-engaged with Uisce Éireann via a new Pre-Connection Enquiry as requested previously. Uisce Éireann have previously confirmed that water and wastewater connections are feasible. It cannot be determined if upgrades to facilitate these connections will be required. This will need to be determined at connection application stage. Conditions recommended.

### 3.4. **Third Party Observations**

During the planning application stage six observers made submission to the planning authority. These were Tracey McDonnell, Máire Devine TD, Cllr Ciarán Ó Meachair, Cllr Lesley Byrne and Bridgefoot Street Residents Association (including a petition objection to the development comprising of signatures from the residents of Robert Emmett Close, Robert Emmet Walk and Bridgefoot Street).

The issues raised related to height and massing resulting in a loss of residential amenity, overshadowing and loss of natural daylight of both habitable rooms and the street where the children/community meet and play, loss of privacy, oversaturation of hotels in the area in a time of serious housing crisis, the provision of homes would be more appropriate, the development would create a setback to the work undertaken by the voluntary youth group who have been working hard to gain the site beside the hotel as there is a real need for community facility. During construction there would be significant impacts in terms of noise, dirt and dust and access issues.

Máire Devine TD also raises concerns in respect to oversaturation of hotels/apart hotels/co-living and student accommodation in the Liberties. A resultant negative impact from these types of transient accommodations is witnessed on the established community. The 'Marshalsea Barracks' building to the rear of the subject site is currently part of work ongoing by DCC and the local community under the 'Reimagine Marshalsea Barracks Project'. Furthermore, in respect to design concerns include inappropriate height, scale and material finishes which in their opinion would provide a bland façade in stark contrast to nearby St Patrick's Tower and the IAWS that it would abut. Issues with respect to residential amenity are also raised and the potential impact of the roof top bar area causing distribution. The validity of assessment contained in the Traffic Impact Assessment (TIA) report is

queried in that the 80 self-catering units may fall outside the definition of hotels and therefore the development would not as stated in the TIA result in negligible generation of traffic movement. Questions whether provision has been made for accessible parking.

It is stated by Cllr Ciarán Ó Meachair that there is already a complete overabundance of aparthotels and short-terms rental properties in this area, noting two large aparthotels within 400m on Oliver Bond Street and that one aparthotel provider alone already has four premises in Dublin 8. Concern that that the development would negatively impact on the success of recent motion by Dublin City Council for UNESCO intangible cultural heritage status for The Liberties, this issue was also raised by Máire Devine TD in her submission.

Cllr Lesley Byrne concludes in their submission that approving an additional hotel would risk oversupply, undermine local planning balance and displace opportunities for more needed residential or community-focused development.

The residents of Robert Emmet Close/Marshal Lane have provided a list of hotels within 1km of the subject site as follows:

1. (350m) Point A Hotel, The Liberties Oliver Bond Street
2. (350m) StayCity Aparthotels, Augustine
3. (350m) Dublin Quayside Hostel
4. (400m) EasyHotel Dublin, Benburb Street
5. (400m) McGettigan's Townhouse, Smithfield
6. (450m) StayCity Aparthotels, Dublin Tivoli
7. (450m) Astra Hostel, Smithfield
8. (450m) The Hendrik, Smithfield
9. (500m) The Generator Hostel, Smithfield
10. (550m) StayCity Aparthotels, Christchurch, High Street
11. (600m) Golden Lane Backpackers, Golden Lane
12. (650m) Maldron Hotel, Smithfield
13. (700m) Premier Inn, Dublin City Centre (The Liberties) Hotel

14. (750m) The Aishling Hotel, Parkgate Street
15. (800m) The Liberties Hyatt Centric, Dean Street
16. (900m) Marriot Aloft, Dublin City Centre, Mill Street

## 4.0 Planning History

ABP-321007-24/Planning register reference 4029/24: Planning permission refused for the demolition of buildings and construction of 3-7 storey aparthotel together with all ancillary works on a site at Thomas Street, including 144 Thomas Street.

*Reason for refusal:*

Having regard to the basement proposed at application stage and as revised on appeal, to the location of the site which is within the Zones of Archaeological Interest of a number of sites on the Record of Monuments and Places including RMP DU018-020 (Historic City), and to the lack of a Basement Impact Assessment submitted as part of the application or appeal, it is considered that the proposed development would be contrary to Section 15.15.1.4 (Basements) and Policy BHA26 (Archaeological Heritage) of the Dublin City Development Plan 2022-2028, which seeks to protect archaeological material in situ including through the omission of basements except in exceptional circumstances. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning register reference 2903/19: Temporary (five-year) permission granted for removal of an existing faux shopfront to Thomas Street, partial removal of boundary wall to Thomas Street, partial demolition of walls associated with previously existing building on the site, construction of a single storey ESB substation, construction of new boundary wall to Thomas Street, and all ancillary works at 144 Thomas Street.

Planning register reference 4205/18: Permission refused for the removal of a temporary shopfront fronting onto Thomas Street and the construction of single storey ESB substation and all ancillary works necessary to facilitate the development at 144 Thomas Street.

*Reason for refusal:*

The proposed development, involving the replacement of former commercial unit and temporary shopfront with an electricity substation, would create a visual obstruction in the streetscape. The stand alone, flat roofed substation does not provide a positive response to the characteristic building plot widths, architectural form, materials and detailing of existing buildings and does not respect or complement the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape, contrary to Section 16.2.2.2 (Infill Development) of the Dublin City Development Plan 2016-2022. The proposed development would result in an inactive public elevation which does not promote passive surveillance contrary to Section 16.2.1.4. (Design for a Safer Environment) of the Dublin City Development Plan 2016-2022. The proposed development is inconsistent with the Liberties Local Area Plan regarding building heights, animation of the public realm and permeability in the area. Therefore, the proposed development, in itself or by the precedent a decision to grant permission would make for similar undesirable development, would be seriously injurious to visual amenity, contrary to public safety and would prejudice the comprehensive redevelopment of both the subject site and neighbouring sites, contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Dublin City Development Plan 2022-2028 (as varied)**

Land Use Zoning Objective Z5 – ‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’.

Section 14.7.5, City Centre - Zone 5

Chapter 13 – Strategic Development and Regeneration Areas (SDRAs)

SDRA15 – Liberties and Newmarket Square

Objective SDRAO1 – Guiding Principles for Development in SDRAs.

Policy SC1 - Consolidation of the Inner City

Policy SC2 - City's Character

Policy SC11 - Compact Growth

Policy SC19 – Placemaking

Section 4.5.5, Policy SC21 - Architectural Design  
 Policy CEE8, The City Centre  
 Policy CEE14, Quality of Place  
 Policy CEE28 – Visitor Accommodation  
 Policy CCUV22 - Intensification  
 Objective CUO25 – Community Arts and Cultural Space in SDRAs and large-Scale Developments  
 Section 15.14.1 – Hotels and Aparthotels  
 Section 15.14.1.1 - Hotel Development  
 Section 15.14.1.2 Aparthotels  
 Section 15.14.3 Short Term Tourist Rental Accommodation  
 Section 15.17 - Shopfronts and Signage  
 Policy BHA6 Buildings on Historic Maps  
 Policy BHA9 Conservation Areas  
 Policy BHA10 – Architectural Conservation Areas  
 Appendix 3 – Density and Height, Site Development Standards

## 5.2. **National Guidance**

Urban Development and Building Height Guidelines for Planning Authorities,  
 Department of Housing, Planning and Local Government, (2018)

## 5.3. **Others**

**The Digital Hub Strategic Plan (2026-2028), Digital Hub Development Agency (DHDA)** A transitional strategy as the DHDA role evolves from a state agency to a standalone entity operating under the auspices of Dublin City Council (DCC). Their stated mission is to continue to attract increased levels of economic activity into Dublin 8 and to support social and cultural facilities that contribute to the wellbeing of the local community.

### **Pear Tree Crossing Masterplan Land Development Agency (LDA)**

Section 3.7 The focus of the masterplan is to provide housing in an area where it is much needed. The masterplan is to provide approximately 550 new homes alongside new serviced and employment opportunities.

#### **5.4. Natural Heritage Designations**

- South Dublin Bay and River Tolka Estuary SPA (3.9km) east from the subject site.
- South Dublin Bay SAC (Site Code: 000210) (4.8km) east from the subject site.
- Proposed Natural Heritage Area (Site Code: 000210) South Dublin Bay (4.8km) east from the subject site.
- Proposed Natural Heritage Area (Site Code: 002104 Grand Canal) is located (1.3 km) to the south of the subject site.

#### **6.0 EIA Screening Determination**

Please refer to Appendix 2: Form 3 EIA Screening Determination.

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed aparthotel development, in an urban area served by public infrastructure
  - (b) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the mitigation measures in respect to archaeological layers and features.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One **third party appeal** has been received from Máire Devlin TD in which they state that their aim is to improve the proposal to become a more sympathetic structure that supports the unique history and associated culture which is under threat from over-tourism and gentrification.

A request for an oral hearing was included with the appeal. The Commission considered the request and in accordance with section 134(3) of the Planning and Development Act 2000 (as amended), it has decided to determine the appeal without an oral hearing. The Commission has concluded that the appeal can be dealt with adequately through written procedures.

In summary the grounds of third-party appeal are:

- The saturation of the area by transient visitors and the cumulative negative impact of the proposed aparthotel on the local area's character and sense of community. It is stated that the grant of permission is a serious blow to many groups set up to protect and enhance the liberties. The proposed aparthotel must be evaluated against the existing mix of uses in the area to ensure a balancing of developments. They state that the applicant omits to provide an 'Accommodation Concentration report' which would clearly demonstrate the glut of existing and proposed tourist accommodation within the 1km radius.
- Whilst noting compliance with the Dublin City Development Plan (2022-2028) in respect to occupancy considers that the enforcement of the occupancy condition limiting the occupation for no longer than two months would be difficult.
- Negative visual impact and limited reference to the Liberties Architectural Conservation Area (ACA). It is put forward that the façade of the proposed development is featureless, bland and soulless.
- Overbearing impacts and impacts on privacy. The condition to set back the fourth-floor level by 1.8m makes no material difference to its overbearing impact on the surrounding residential homes, especially those on Robert

Emmett Close. The further suggestion that the fifth floor is set back is only “if required”.

- Noise concerns from roof top bar on the quiet residential area of Robert Emmet Close with no instruction for closing hours.
- Doubts how the rooftop bar would provide a true public amenity serving guests and locals alike. Concerns that the development would undermine the community and negatively impact on the cultural environment and the Liberties authentic lived in appeal.
- Archaeological/protected structure impacts. The protection of the Marshalsea Barracks<sup>1</sup> wall at the northern boundary of the site is disserved. The plans by locals to reimagine this space are thrown into doubt, it is stated, given the overbearing dominance of the proposed hotel in terms of height, mass and interference. Close supervision by Dublin City Council in respect to archaeological monitoring and mitigation to protect the important historic protected structure.

A **first party appeal** from the applicant has been submitted in respect to Condition 3(a) and requests that this condition is omitted from the decision to grant permission.

*PlusArchitecture* on behalf of the applicant have provided a justification for the building height and massing. It is put forward that in an earlier application to Dublin City Council (Planning register reference 4029/24), details included in section 4.0 of my report, was reviewed on appeal with a reduced building height of six stories and the inspector concluded that the reduction presented a reasonable proposition of building height and massing. The application was refused on appeal by reason of the proposed basement and its potential impacts only.

It is suggested that the condition would result in an undesirable design outcome for the front elevation onto Thomas Street.

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<sup>1</sup> RPS Ref No. 8883 Robert Emmet Walk, Dublin 8 Ball Alley (former Marshallsea Prison) Dublin City Development Plan 2022-2028 Volume 4 Record of Protected Structures.

## 7.2. Applicant Response

The applicant has submitted a response, *prepared by Declan Brassil + Company*, to the third-party appeal made by Máire Devlin TD. It includes as Appendix A the previous Coimisiún Inspector's Report under ACP 321007 and Noise Impact Assessment prepared by TMS Environmental Services Ltd as Appendix B.

The response includes background to the application and the appeal explaining how the height of the subject application is entirely consistent with the revised plans submitted at appeal stage to address the first reason of refusal by DCC and has omitted the previously proposed basement level in its entirety to address the second reason for refusal by DCC. It is stated that a generous set back from the northern site boundary (Marshalsea Wall) has been proposed to ensure the reservation of the historic wall and to facilitate the reinstatement of part of the historic Croker's Lane that traverses the site east-west along the northern boundary.

It is stated that the third-party appeal does not refer to this relevant precedent and also omits to reference the submitted drawings and documents that comprehensively address a number of grounds of appeal.

A response by the applicant has been made in respect to the key grounds of third-party appeal under four headings as follows:

- Inappropriate land use and overconcentration of tourist accommodation

An 'Accommodation Concentration Report' prepared by CBRE was submitted with the planning application in compliance with Policy CEE28. The findings of the report are summarised in section 5.1.1 of the planning report that accompanied the planning application.

Makes reference to the inspector in the previous application addressing specifically Policy CEE28 and notes that the DCC Planner's report (dated 24 March 2026) which states that the principle of an aparthotel development on the site has previously been accepted by the planning authority and An Coimisiún Pleanála.

- Heritage considerations

The massing and design of the proposed aparthotel has been well considered, informed by detailed assessments including:

- CGIs/Verified Views, prepared by Modelworks,
- Townscape and Visual Impact Assessment prepared by Model works
- Daylight and Sunlight Analysis prepared by Modelworks
- Environmental Impact Assessment Screening Report, prepared by McCabe Durney Barnes and
- Archaeological and Built Heritage Assessment prepared by Judith Carroll and Company.

and responds sensitively to the receiving environment and the historic and architectural sensitivities of the locality. Table 5.2 of the submitted planning report provides an assessment of and demonstrates compliance with the criteria for increased building height and density as per Table 3, Appendix 3 of the development plan.

Provides quotation from the inspector's report on the previous refused application ABP-321007-24/Planning register reference 4029/24.

It is also submitted that Condition 3 attached by DCC is an onerous and unnecessary requirement, as submitted in the applicant's first party appeal seeking the omission of this condition.

- Impact on residential amenities

On a point of clarity, the applicant sets out that Condition no. 3 was not attached to protect residential amenities but rather to mitigate its visual impact onto Thomas Street.

Makes reference to the Planner's report (dated 24 March 2026) in section 11.6 which assesses the potential for overlooking of adjoining residential developments, overbearing impacts and impacts on daylight and sunlight concluding that the proposed would not unduly impact on adjacent residential amenities.

The roof top bar has been considered in detail in the DCC Planner's report and considers that it is sufficiently removed from the rear of Robert Emmet Close to ensure no noise impacts would arise. The Noise Impact Assessment by TMS Environmental Services Ltd (appendix at Appendix B) in sub-section 6.1 acknowledges that there is potential for entertainment noise breakout from the internal areas of the roof-top bar and event space and particularly the external roof top terrace area which opens out from the bar area onto Thomas Street. With regard to the closest Noise Sensitive Receptors (NSR) there will be no entertainment breakout noise impact because the roof terrace is situated on the southern side of the aparthotel facing onto Thomas Street and the structure of the bar itself will screen any potential noise emissions from the Robert Emmett Close residents.

- Appropriateness of Condition no. 4

Condition no. 4 is consistent with the relevant provisions of section 15.4.1.2 of the development plan which requires the maximum occupancy period for the proposed development to be two months. This provides DCC with an adequate level of control over the use of the building for its only intended and permitted use as an aparthotel.

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

The planning authority request that the Commission uphold their decision. The planning authority would request that if permission is granted that a condition requiring the payment of a section 48 development contribution is applied. They refer to the planner's report for additional conditions.

### **7.4. Observations**

Four observations have been received by the following Cllr. Lesley Byrne, Pauline McAdams, Tracey McDonnell and Orla Russell Conway. In summary the issues raised are:

- The development would contribute to the excessive concentration of hotel and aparthotel accommodation within the Liberates and Thomas Street area.  
Need to consider the cumulative impact of existing and permitted hotels,

aparthotels, student accommodation and other transient accommodation developments. Concerning omission and consideration by DCC of an Accommodation Concentration Report.

- Imbalance between transient accommodation and permanent residential use.
- Fails to support the objectives of the Dublin City Development Plan to promote sustainable mixed-use communities and maintains a strong residential population within the inner city.
- Adverse impact on established residential community through increased transient activity, servicing requirements & construction routes, disruption to access, footpaths and safety concerns in the small cul-de-sac, pressure on local amenities while providing little to local housing needs. Thomas Street is already a congested route will become 'snarled up' at construction and operational stages.
- Dust, pollution and noise mitigation measures need spelled out and residents require specific supports, so homes /vehicles are kept clean and grime free. An Environmental Impact Assessment should have been included in the original information to DCC.
- Overshadowing and overbearing impacts increased from already constructed student accommodation. The application legislatively contravenes the post 2021 amendments of the 'Right to Light Legislation' (referring to The Corrective Reversions of the LCLR Act, as amended in 2021) Concerns relating to impact on privacy and noise impacts from the rooftop bar. Loss of light and heat would also bring about an increase in energy costs to adjoining residential properties.
- Inconsistency with the character and identify of the Liberties, an area with distinctive historic and residential character which should be protected. The development has not attempted to keep the front-facing façade on Thomas Street sympathetic to the existing surrounding grandeur of the neighbouring Georgian architecture on Thomas Street. UNESCO are currently in the process of considering the designation of the Liberties with world heritage

status. This prestigious honour will be severely jeopardised by the continued erosion of the unique and social fabric of The Liberties.

- In time of a serious housing crisis the vacant lot could be reimagined as community space (concerns also about impacts on potential community space adjacent to this proposed development) or housing that benefits and compliments the locality.
- Concern that young people in their community have no safe play spaces.
- Lack of community consultation.
- The site must undergo a full archaeological assessment and dig before the construction of any building can begin.

I note the list of 16 no. hotel/aparthotels provided which are identical to those provided in the third-party observations, already listed in section 3.4 of my report. This list is supplemented with a list of temporary student accommodation development within the same 1km radius of the planned aparthotel, as below:

1. (750m) Heyday Student Living (Carman's Hall)
2. (900m) Yogo New Mill
3. (600m) Highlight Student Living, Thomas Street
4. (650m) Aparto Student Accommodation, Block A, Binary Hub, Bonham Street, Dublin 8.
5. (900m) Uninest Student Accommodation, New Mill, Mill Street.

States that the application failed to carry out three vital reports that are required to be reviewed at planning application stage namely Environmental Impact Report, Accommodation Oversaturation Report, Archaeological Investigation plans.

## **7.5. Further Responses**

Máire Devlin TD has submitted an observation in respect to the first party appeal, in summary the key issues raised are:

- The developer relies on the previous application not having been refused due to height and massing. It is incorrect to conflate the detail of one application and carry over to this most recent one.
- Condition no. 3 set by DCC must be upheld to mitigate albeit minimally the overpowering mass of the proposed facade.
- It is a significant omission of the developer not to include design adjustments to demonstrate courtesy and respect for the residents adjacent to this site.
- The historic area of the Liberties, which is an Architectural Conservation Area, should give protection and a more appropriate, complementary and sympathetic building should be designed.

## 8.0 **Assessment**

- 8.1. The applicant's response to the third-party appeal places weight on a previous planning application register reference: 4029/24 (see details in section 4.0 of my report) which was refused by Dublin City Council for two reasons and subsequently refused on appeal ABP-321007-24 and refers to same as being a precedent case. In the interests of clarity of scope, I shall be assessing the subject appeal on its own merits and do not agree with the applicant's view that previous application can be considered a precedent in this instance. Notwithstanding, I do acknowledge that the applicant has modified the proposed aparthotel development in direct response to the previous refusal.
- 8.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Principle of development and compliance with the guiding principles for the Liberties and Newmarket Square Strategic Development Regeneration Area (SDRA 15)
  - Impact on existing residential amenities

- Impact on Thomas Street 'Conservation Area' and the adjoining Thomas Street & Environs 'Architectural Conservation Area' (ACA) - including first party appeal against Condition 3.
- Archaeology and the cultural heritage

8.3. *Principle of development and compliance with the guiding principles for the Liberties and Newmarket Square SDRA 15*

- 8.3.1. The proposed development of an aparthotel within the applicable designated Z5 zoning objective is a permissible use, having regard to the land use definitions provided in Appendix 15 of the Dublin City Development Plan 2022-2028 (as varied) (the development plan) in which the definition of hotel includes an aparthotel. As such I am satisfied the proposed aparthotel development is generally acceptable in principle subject to compatibility with the overall policies and objectives for the area outlined in with respect to such a use, this shall be assessed in the following sections.
- 8.3.2. The development standards for Hotels and Aparthotels are collectively in section 15.14.1 of the development plan with a general presumption against an overconcentration of hotels and aparthotels. The third-party appellant and the observations received all raise concerns that the proposed use would result in a cumulative negative impact on the local area's character and sense of community by reason of the excessive saturation of hotels and aparthotels in the area. Orla Russell-Conway and Tracey McDonnell, observers on the appeal, have provided a list of 16 no. hotels/aparthotels/hostels that are within 1km of the subject site and 5 no. student accommodation developments to evidence the oversaturation of such transient uses that it is stated that such a concentration of uses detract from the stabilisation of their community.
- 8.3.3. A piece of analysis, in respect to the supply and demand for tourism related accommodation, planned to be undertaken by Dublin City Council (DCC) is stated as pending this is also referred to in (Development Plan Objective CEE01). No update on the status of this objective has been provided by DCC. In the absence of the analysis the development plan provides limited quantifiable parameters to guide assessment of overconcentration. The development plan requires the applicant to submit a report indicting all existing and proposed hotel and aparthotel developments

within a 1km catchment providing a justification that the development will not undermine the principle of achieving a balanced pattern of development in the area and demonstrating that the proposed development fully complies with the criteria set out in Policy CEE28 and as relevant in Section 14.14.1.1 (hotels) and 15.14.1.2 (aparthotels).

- 8.3.4. The third-party appellant has raised concerns that the applicant omits to provide an 'Accommodation Concentration Report' which would clearly demonstrate the existing and proposed tourist accommodation within a 1km radius. I highlight to the Commission that the submitted 'Accommodation Concentration Report' includes a record of the existing supply of hotels, aparthotels, guesthouses and hostels within a stated 1km catchment of the proposed aparthotel. As noted in the planner's report the radius for the catchment selected in the CBRE appears to equate to 0.5km rather than 1km, on review of the submitted mapping I would concur with the planning authority. Noting the reduced catchment selected by CBRE in making my assessment I have had regard to the additional tourism related premises provided by the observers which includes 7 existing stock listed by CBRE and with, I highlight to the Commission, one difference in naming between Garden Lane Backpackers Hostel in the CBRE report and Golden Lane Backpackers in the list provided by the observers. From a search online it would appear that the premises is called Garden Lane Backpackers. On review the existing stock of hotels/aparthotels/hostels are, in the main, located east of the subject site, clustering in close proximity to the Christ Church Cathedral environs or to the north across the River Liffey in Smithfield.
- 8.3.5. The CBRE report highlights that four of the hotels/aparthotels opened since 2019 and they state that this demonstrates the regeneration underway in the Dublin 8 area which has included the addition of hotel and aparthotel in the area as well as office buildings, purpose-built student accommodation and residential developments. The CBRE report details the significant regeneration projects (St. James's Quarter, New Children's Hospital, Heuston South Quarter and Heuston Station Masterplan) currently under construction and in the pipeline demonstrating the scale of change occurring. Within the CBRE report two future hotels (a 100-bed hotel and a 204-bedroom hotel) have received planning permission in St. James's Quarter Lands directly opposite the subject site to the southwest of Thomas Street as part of the redevelopment and repurposing of the Guinness Brewery lands.

- 8.3.6. As noted above in section 5.0 of my report the subject site is identified as a part of a key opportunity site (No. 5) located within Strategic Development Regeneration Area (SDRA 15). The SDRA acknowledges that considerable urban consolidation and regeneration of the Liberties area has occurred in recent decades, as also described in the CBRE report, but the development plan states there are still significant opportunities for regeneration and enhancement. The third-party appellant states that the quality of developments in this community has diminished the defining historical and neighbourhood fabric.
- 8.3.7. Taking into account the submitted 'Accommodation Concentration Report (prepared by CBRE Advisory (IRL) Limited; the locations of identified existing visitor accommodation in the area and future planned accommodation; the mixed-use and commercial character of the area; the central location in the City; and the relevant development plan provisions, I am generally satisfied the proposal would not give rise to an overconcentration of such facilities in the area. In taking this view, I have had regard to the adjoining LDA project namely 'Pear Tree Crossing Masterplan' which aims to regenerate the site immediately adjoining The Masonry office building to provide 550 new affordable homes.
- 8.3.8. In respect to the criteria outlined in section 15.14.1.2 for aparthotels the proposed development does have a reception desk and administration facilities and housekeeping facilities. A small café (51.83 sq. m) is proposed to the front entrance of the aparthotel which would provide an active use at ground floor; however, I do note that it is proposed to provide a substation and switch room to the front façade which would in my opinion detract from the animation of this important elevation onto the designated Conservation Area. I consider a more appropriate location for these elements could be found within the site. I shall address the design issues relating to same in section 8.5 below. The proposed aparthotel has not been designed with a range of unit styles and sizes; however, the submitted architectural design statement indicates that flexibility has been considered that the rooms can be aggregated to configure multi-room units as required (Figure 2). Therefore, with exception to the position of the substation /switch room to the front façade I am of the opinion that the proposed aparthotel scheme meets with the development standards criteria contained in section 15.14.1.2.

- 8.3.9. In respect to compliance with Policy CEE28, in terms of the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city I do have a number of concerns with the application as currently presented as set out in the following sections with respect to land use and activity.
- 8.3.10. Focusing on the land use and activity guiding principles in this section, please note I shall address the remaining SDRA guiding principles in section 8.4 and 8.5, which include the need for community uses and public spaces to complement emerging development in recent decades. This community need is reflected in issues raised in the third-party appeal in terms of whether the roof top bar would act as a public amenity and is echoed by the observations made. Objective CUO25 of the development plan requires a minimum of 5% community, arts and cultural spaces to be provided as part of the development within all new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m in total area.
- 8.3.11. The subject application includes for a small café at ground floor level and public bar/event space at fifth floor level with roof terrace fronting onto Thomas Street. A substation and storage room externally accessed from Thomas Street are proposed, as noted already I shall include the assessment of these items in section 8.5 below. Further information was sought by the planning authority at application stage in respect to the applicant's proposals to meet with Objective CUO25. The applicant in their response considered that Objective CUO25 does not apply given the proposed floor area is less than 10,000 sq.m. There is no stated intention from the applicant to provide space for community, arts and culture in the scheme.
- 8.3.12. From my review of the case, it appears that the interpretation of the development plan objective differs between the applicant and the planning authority. My understanding of the wording of the objective CUO25, in agreement with the planner in their report, is that 5% community, arts or cultural space is required to be provided in all new regeneration areas (SDRAs) regardless of floor area, where the development proposal is not an apartment scheme (please refer to SPPR 6 of the Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025). No provision has been made for community, arts or cultural spaces within the scheme, and as such the proposed development materially contravenes objective CUO25.

- 8.3.13. The planner's report following receipt of the further information response considers that the public bar/event space at fifth floor level could provide some community gain to the area by being publicly accessible and made available for local cultural events/exhibitions. I note that Condition no. 5 of the planning authority's decision to grant permission requires the fifth-floor bar/event space to be "*generally publicly accessible during normal opening hours*". I agree that there is merit in the reason for condition no. 5 in particular noting section 15.14.1.1 which encourages hotels to provide a mix of publicly accessible uses vertically throughout the building. Nevertheless, having considered the applicability of a condition, in the absence of proposals from the applicant/future operator and offer from lead agencies/DCC to coordinate as part of the wider area community, arts and cultural programmes, I do not consider that condition no. 5 would have sufficient specificity and enforceability to negate a material contravention of the development plan.
- 8.3.14. Taking into account the need for community uses and public spaces to complement emerging development expressed in the SDRA, the third party appellant's concerns regarding the feasibility of the roof top bar providing a public amenity space and the requirement Objective CUO25 for a minimum of 5% community, arts and culture spaces that must be provided and designed to meet the identified need I do not consider that it would be appropriate to revise the submitted plans by way of condition to incorporate the minimum cultural floorspace requirements at ground floor level, as this would in my view require material changes to the scheme.
- 8.3.15. In conclusion on this point, I am of the opinion that the proposed development by reason that no provision has been made for community, arts and cultural space would materially contravene Objective CUO25 of the development plan. The proposed development, would, therefore, materially contravene the development plan objective and would be contrary to the proper planning and sustainable development of the area. I am of the opinion that planning permission should be refused on this basis.
- 8.3.16. Separately, the third-party appellant's concerns about the enforceability of condition no. 4 limiting the occupation of short-term letting periods of no more than two months are noted. The reason for the condition is to prevent the use of the apartments as independent and separate self-contained permanent residential units, and I consider that the condition serves as an appropriate mechanism to enforce. If the

Commission is minded to grant permission, I recommend that Condition no. 4 is attached and added to include that planning permission will be required to change use from commercial aparthotel to residential.

#### 8.4. *Impact on existing residential amenities*

##### Overbearing

- 8.4.1. The third-party appellant has concerns that the condition no. 3, requiring a set back the further floor level by 1.8m, makes no material difference to its overbearing impact on the surrounding residential homes, especially those at Robert Emmett Close. The observations received also raise concerns about overbearing, overlooking and adverse impacts on daylight and sunlight levels on the residential properties located to the north of the subject site.
- 8.4.2. I would concur with the applicant that condition no. 3 was not attached to reduce potential overbearing impacts on residential properties to the north rather it has been attached to reduce the visual impact of the proposed new structure in the streetscape and also in response to ameliorate visual impact on the adjoining Thomas Street and Environs ACA. I shall assess visual impact in the following section (8.5) below.
- 8.4.3. The verified photographs prepared by Modelworks, views 9-12 inclusive, demonstrate the visual impact of the proposed development within Robert Emmett Close which I am of the opinion would be the most directly impacted upon existing residential area. The proposed building steps down to four storeys and part single storey at the rear. The single storey element abuts the proposed internal roadway along the northern boundary, and the four-storey element is approximately nine metres from the northern boundary. The proposed roof top bar/event space is approximately 26 metres from the northern boundary. I note the contextual elevations indicate that the proposed fifth and six storeys would not be visible from the rear of the units at Robert Emmet Close. The submitted Townscape and Visual Impact Assessment prepared by Modelworks categorises the effect of the development as 'significant neutral' noting that since the building would replace a vacant plot it causes a significant increase in built/visual enclosure. As such it is explained that the change in view is substantial.

8.4.4. In this respect the assessment provided by Modelworks outlines the measures taken in response to the adjacent residential neighbourhood which include:

- The stepping down to four storeys towards the northern end of the building.
- The deep setback of the six-storey volume from the northern end of the building, so that in views from the duplexes to the north the upper volume will be hidden. The building will appear 4 storeys tall (15.86m, taking account of a level change between the site and Marshal Lane. In the central urban location this cannot be considered excessively tall.
- The omission of windows from the north elevation closest to Marshal Lane (those facing the neighbouring duplex block directly) to negate the potential for overlooking. Due to the building's geometry, the glazed top floor does not have views of the facing duplex block.
- The articulation of the other elevations with a fenestration pattern that references the local Georgian architecture. The high void to solid ratio reduces the perceived massing.
- A refined design and materials palette, contributing to a building of appreciable quality.

8.4.5. In conclusion on this point, taking into account the above listed design measures, the proposed set back of nine metres from the north boundary of the site and furthermore the nature of the staggered rear elevation which would provide visual relief to the otherwise blank façade I am of the view that the potential of significant overbearing impacts have been ameliorated by design such that a refusal on these grounds would not be warranted.

#### Overlooking

8.4.6. Section 5.3.1 of the submitted Planning Report and Statement of Consistency prepared by Declan Brassil & Co sets out that the nearest facing dwelling windows to the east of the site are situated on the western elevations of no. 141 Thomas Street and No. 8 Bonham Street situated approximately 20.5m and 30m from the eastern site boundary. In respect to overlooking I would concur with the planner's assessment in which they state that the proposed development has been designed to avoid direct overlooking of adjoining residential developments, including Robert

Emmett Close. As such I am satisfied that the proposed development would not result in a detrimental impact on privacy of adjoining residential properties.

#### Daylight and Sunlight

- 8.4.7. I note that some of the observers have concerns in respect to loss of daylight and sunlight and they also make reference to the application failing to comply with 'right to light' legislation. For clarity I shall address the matters raised in respect to daylight and sunlight, however, as the issue of determining rights to light is a matter for the Courts, I do not consider that the Commission is in a position to draw any conclusions in relation to the matters raised.
- 8.4.8. The local community of Robert Emmet Close (Marshall Lane) are concerned that the development as proposed would severely impact on the available sunshine that the street currently enjoys and which allows for a shared social space to be well utilised by the children, parents and neighbours. There are also concerns that the loss of light would impact adjoining properties and result in an increase in energy costs.
- 8.4.9. Appendix G of the submitted Daylight and Sunlight Assessment prepared by Modelworks illustrates the results of sunlight access to neighbouring amenity areas as existing and as proposed. The assessment of loss of sunlight to existing gardens and amenity areas focused on eight neighbouring amenity spaces in vicinity of the proposal (namely 8 Bonham Street, 143 Thomas Street, 43-48 Bonham Street). The results found that all eight areas meet the BRE Criteria. In respect to impact on the cul-de-sac street itself Appendix H contains the site shadow diagrams indicating shadows cast by the proposal throughout the year. Looking at the shadow diagrams for the existing scenario and comparing with the proposed development in place at the Spring Equinox (March 21<sup>st</sup>) I note that the shadows cast will extend over a greater portion of Marshall Lane/Robert Emmet Close between 16:00 and 17:00 as a result of the proposed development. I am of the opinion that the increase in shadow cast is not proportionally significant when comparing the existing and proposed. Furthermore, the shadows cast do not change significantly on the cul-de-sac head section of the street at Robert Emmet Close as a result of the proposed development.

- 8.4.10. From the evidence provided (Daylight and Sunlight Assessment prepared by Modelworks) daylight provision to existing buildings is stated to meet the target for Vertical Sky Component (VSC) with one window just failing to meet the criteria of the VSC being 0.80 its former value (0.797). Of the existing houses that required a detailed assessment for potential loss of sunlight all met or exceeded the 25% target of Annual Probable Sunlight Hours (APSH) and 98% met the 5% target for Winter Probable Sunlight Hours (WPSH).
- 8.4.11. On balance, taking into account the constrained nature of this urban site I am of the opinion that the impacts on daylight and sunlight would not result in a detrimental impact on the residential amenity of adjoining properties, their amenity areas and the street by significant loss of daylight and sunlight.

#### Noise

- 8.4.12. As a response to the third party appeal the applicant has submitted a Noise Impact Assessment Report prepared by TMS Environmental Ltd. A baseline noise survey informs the findings, and an assessment of the operational phase impacts including entertainment noise breakout, plant noise and traffic noise are included.
- 8.4.13. A noise monitoring location was selected on the fourth-floor roof top of The Masonry Building and the evaluation of results indicate that the noise environment of the site is heavily dominated by significant volumes of passing traffic and other typical city-centre anthropogenic activities. The existing  $L_{Aeq, T}$  level measures for the night-time period were 65-67 dB  $L_{Aeq, 15mins}$  which is it is stated in the NIA to be significantly higher than any potential entertainment noise breakout predicted on any noise sensitive receptor on Thomas Street. In terms of the noise sensitive receptor on Robert Emmett Close the NIA states that there will be no entertainment breakout noise experienced because the roof terrace is situated on the southern side of the aparthotel and the structure of the bar/event space would screen any potential noise emissions.
- 8.4.14. In respect to plant noise the plant services strategy envisages that the hotel bedrooms would be fully air-conditioned using heat pump technology. Given the low-level noise emitting plant that is proposed, which shall be internally housed, the NIA states that it is considered that the condition 14 of the notification of decision by DCC would be readily achieved at all times. The NIA outlines that the predicted increase

in traffic noise associated with the operational phase of the development is classified as a negligible impact. Construction impacts will be addressed in the following section.

- 8.4.15. Taking into account the findings of the NIA I do not consider that the proposed development would result in adverse impacts on established residential amenity as a result of noise.

#### Construction Impacts

- 8.4.16. The third-party appellant does not raise concerns regarding construction impacts however I do note that two of the observations received raise concerns about the use of Robert Emmett Close as a principal route for heavy machinery and increased vehicular traffic, impacting on access and particular concern that the disabled parking bays are left accessible 24/7. Associated concerns relating to dust and pollution impacts are also raised.
- 8.4.17. The applicant has submitted a Construction Phase Environmental Management Plan (CEMP) prepared by TMS Environment Ltd. In respect to traffic management the CEMP outlines that the development is a zero-parking scheme and that no dedicated traffic report has been produced for the development. I highlight to the Commission that a Traffic & Transport Assessment prepared by Barrett Mahoney Civil and Structural Consulting Engineers has been submitted but its scope is limited to the operational phase of the development. Given concerns raised by the adjoining residents of Robert Emmett Close I would consider that in the event the Commission is minded to grant permission that this matter could be addressed by way of a condition to include a detailed Construction Traffic Management Plan within the finalised CEMP to be submitted and agreed in writing with the planning authority.
- 8.4.18. Mitigation measures are set out within the CEMP to ensure that dust impacts are prevented or minimised during the construction phase, these measures include the formulation of a Dust Management Plan (DMP) to be finalised by the appointed contractor. It is stated that the DMP will include the following
- A designated Site Agent will be assigned overall responsibility for Dust Management;

- The design of the site and construction programme shall consider dust impact management and shall choose design approaches to minimise dust emissions;
- An effective training programme for site personnel will be implemented for the duration of the Construction Programme;
- A strategy for ensuring effective communication with the local community will be developed and implemented. This should be carried out in line with the communication protocols proposed for the noise and vibration impacts discussed above;
- A programme of dust minimisation and control measures will be implemented and regularly reviewed;
- A monitoring programme will be implemented.

The mitigation features of the project as detailed in the submitted CEMP include a daily inspection programme to be formulated and implemented in order to ensure that dust control measures are inspected to verify effective operation and management and a dust deposition monitoring programme would be implemented at the site boundaries for the duration of the construction phase to verify compliance with relevant standards and limits. In the event the Commission is minded to grant permission a condition requiring a finalised CEMP including a DMP to be submitted to and agreed in writing with the planning authority.

**8.5. *Impact on Thomas Street ‘Conservation Area’ and the adjoining Thomas Street & Environs ‘Architectural Conservation Area’ (ACA) – including first party appeal against Condition 3.***

- 8.5.1. Thomas Street is designated as a Conservation Area in the development plan. As outlined in the development plan the special interest and value of a Conservation Area lies in the historical and architectural interest and the design and scale of these areas. Furthermore, the subject site is positioned directly across the road from the designated Architectural Conservation Area (ACA) for Thomas Street & Environs. Section 4.3 of the ACA supporting guidance document describes the streetscape grain and quality of Thomas Street as follows:

*“As a broad commercial thoroughfare with an imposing presence, Thomas Street is at once recognisable as the principal street of the study area. Its building stock generates a strong sense of enclosure, the street lined on both sides by four storey structures punctuated by both lower and taller buildings, lending the street a varied, undulating quality”.*

- 8.5.2. As outlined above, section 7.1, the third-party appellant considers that the proposed development is ‘featureless, bland and soulless’ when compared to the ‘charming’ Masonry Building (formerly IAWS), St. Patricks Tower and the impressive Guinness Buildings running the length of Thomas Street. The applicant in their first party appeal against Condition No. 3 is of the opinion that requiring a 1.8m set back at fourth floor would result in an undesirable design outcome for the front elevation of the building to Thomas Street. Third party issues in respect to Condition no. 3 have already been addressed in section 8.4 above.
- 8.5.3. The subject site is a key opportunity site (No. 5 Digital Hub) within SDRA 15. The development plan prescribes the guiding principles for this opportunity site including the requirement for new design to recognise the contribution that the protected structures and buildings of historical importance make to the street, and that this contribution should inform the future character of the redeveloped lands. The SDRA outlines that base heights should be 6-8 storeys, where heritage, built form character and residential amenity considerations allow.
- 8.5.4. The planning authority in their request for further information considered that the proposed height is generally in keeping with the height provisions for the area which is part of the SDRA no. 15, however, they raised concerns with the proposed partial fourth floor being wider and higher than the central element of the IAWS/Masonry Building to the west of the site. The planning authority sought the design to be revised to reduce its impact on the adjoining context. Furthermore, the use of a yellow brick rather than red was suggested to be more in keeping with the surrounding area.
- 8.5.5. In response the architect (*PlusArchitecture*) on behalf of the applicant provided further information on the design approach taken to the Thomas Street facing elevation to demonstrate how it represents an appropriate and contextual townscape response. It is put forward in the architect’s further information response that the

former IAWS building is not the defining edifice of the locality, it is not a protected structure, and as such does not warrant undue deference. They state that any new addition to the streetscape should respect and enter into the underlying architectural language and commonality of the street. They set out five characteristics of the architectural language as:

- Use of Material (generally brick, stone, painted render & painted metalwork)
- Enforcement of an implied vertical rhythmic grain to facades and an avoidance of unrelenting and enforced horizontality
- The establishment of a taller ground level building base, of durable and rich material, displaying enhanced detail and decoration. The base should ideally be an open and active use.
- Attention to the detail at roofscape, employing architectural devices such as material change, building setback, alternative use or roof gardens.
- The provision of façade fenestration that is aligned, with vertically proportioned windows and the avoidance of any features (such as applied balconies) that may be deemed unfamiliar or incompatible with the prevailing context.

It is also stated that the proposed façade in red brick would match the brick colour of the immediate abutting neighbours and opposing buildings.

8.5.6. I have reviewed the submitted architectural design statement, verified photomontages and townscape and visual impact assessment report prepared by Modelworks. Having undertaken my site visit following the review of these supporting documents I am of the opinion that a building of the proposed massing and height can be accommodated at the subject site without negative impact on the regionally important adjoining IAWS/The Masonry building, on the Conservation Area or on the Thomas Street & Environs ACA given the broad nature of Thomas Street and the proposed design which incorporates a strong vertical rhythmic grain to the façade through its detailing and materiality in an appropriate contemporary manner.

8.5.7. I would concur with the architect that a 1.8m set back at fourth floor would result in an undesirable design outcome for the front façade. I am of the view that the introduction of the larger glazed sections above the third floor sufficiently allows a

visual break/softness to its edge with The Masonry building which would protect the prominence of this structure, and the design provides a strong parapet line to be read at third floor tying in with the majority of the streetscape parapet line with the upper floors solid to void ratio successfully graduating towards the glazed roof top bar/event space. As such, in the event the Commission is minded to grant permission I recommend that Condition no. 3 is not attached.

- 8.5.8. I consider that the proposed location of the sub-station and switch room fronting onto the principal throughfare of Thomas Street, a Conservation Area is less successful and would result in an inactive frontage immediately adjacent to the proposed vehicular entrance. I am of the opinion that this matter could be addressed in conjunction with a redesign of the ground floor to accommodate a community, arts and cultural space, as referred to in section 8.3 of my report. As already noted, I do not consider that this can be addressed by way of condition as it would be a material change to the internal layout and front façade of the proposed aparthotel.

#### 8.6. *Archaeology and the cultural heritage*

- 8.6.1. The third-party appeal stresses the importance of protection of the Marshalsea Barracks wall at the northern boundary of the site and suggests that it would be reasonable to assume that this site will uncover further archaeological material. It is also raised that plans by the local community to reimagine<sup>2</sup> this space are thrown into doubt given the overbearing dominance of the hotel height, mass and interference.
- 8.6.2. I have addressed the proposed building height and mass in the preceding section, in respect to the proposed development interface and proximity to the Marshalsea Wall I consider that a sufficient set back (4.3m) has been provided taking into account the existing site context and that the archaeological mitigation can sufficiently be addressed by condition. The mitigation strategies outlined (section 8.0) in the submitted Archaeological and Built Heritage Assessment prepared by *Judith Carrol & Company* will ensure that the Marshalsea Wall would be recorded and a

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<sup>2</sup> For additional context I note from online search the Irish Architecture Foundation (IAF) project <https://reimagine.iaf.ie/fieldwork/reimagine-marshalsea-barracks/> and <https://www.hassettducatezarchitects.com/marshalsea-barracks>

photogrammetry survey would be carried out with measures to ensure the protection of the wall during the construction phase. The wall would be visible from a partially reinstated Croker's Lane, the area of which is proposed to be retained in its historic entirety both above and below ground. As part of the mitigation strategy, it is stated that the area of the lane would be differentiated at ground level and highlighted in relation to the surrounding area by a separate surface of granite natural stone. In the event the Commission is minded to grant permission I recommend that a condition is attached requiring revised landscape plans to be submitted and agreed with the planning authority to take account in full all relevant mitigation measures contained in the Archaeological and Built Heritage Assessment.

## **9.0 Appropriate Assessment Screening**

- 9.1. Refer to Appendix 3 of this report. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections

## **10.0 Water Framework Directive**

- 10.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.
- 10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water

quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management, including the implementation of an appropriate Construction Environmental Management Plan (CEMP).

- 10.3. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

## **11.0 Recommendation**

- 11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## **12.0 Reasons and Considerations**

1. Objective CUO25 of the Dublin City Development Plan 2022-2028, states:

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

The proposed development, does not make provision for a community, arts and culture space. The proposed development, would, therefore, materially contravene

the development plan objective and would be contrary to the proper planning and sustainable development of the area.

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.

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Claire McVeigh  
Planning Inspector

2 September 2026

## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                         | PL-501390-DS-26                                                                                                                                                                                          |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                           | Site clearance works, including the demolition of all existing buildings/structures on site, construction of an Aparthotel building with a Café, a public bar/event space and all associated site works. |
| <b>Development Address</b>                                                                                                                                                                                                                                                    | Site at Thomas Street, including No. 144 Thomas Street (the site is bounded by No. 143 Thomas Street, and Marshalsea Lane to the east and No's 151-156 Thomas Street to the west), Dublin 8              |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>                                                                                                                                                                                                                                |                                                                                                                                                                                                          |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>                                                                                                                                                                    | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.                                                                                                                              |
|                                                                                                                                                                                                                                                                               | <input type="checkbox"/> No, no further action required.                                                                                                                                                 |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)         |                                                                                                                                                                                                          |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                               |                                                                                                                                                                                                          |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.                                                                                                                          | N/A                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                  |                                                                                                                                                                                                          |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b> |                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                   |                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.<br><b>No Screening required.</b> |                                                           |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                           |                                                           |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.                                                                                                                             | Class 10(b)(iv)                                           |
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>                                                                   |                                                           |
| <b>Yes</b> <input checked="" type="checkbox"/>                                                                                                                                                                                    | <b>Screening Determination required (Complete Form 3)</b> |
| <b>No</b> <input type="checkbox"/>                                                                                                                                                                                                |                                                           |

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

## Appendix 2: Form 3 - EIA Screening Determination

| <b>A. CASE DETAILS</b>                                         |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>                     | <b>PL-501390-DS-26</b>                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Development<br/>Summary</b>                                 | <b>Site clearance works, including the demolition of all existing buildings/structures on site, construction of an Aparthotel building with a Café, a public bar/event space and all associated site works.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                | <b>Yes / No / N/A</b>                                                                                                                                                                                           | <b>Comment (if relevant)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>1. Was a Screening Determination carried out by the PA?</b> | No                                                                                                                                                                                                              | Planner's report (dated 23 March 2026), states that having reviewed the submitted EIA Screening Report prepared by <i>MDB MacCabe Durney Barnes</i> , they are satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. It is further stated that the need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required. |
| <b>2. Has Schedule 7A information been submitted?</b>          | Yes                                                                                                                                                                                                             | As contained in submitted EIA Screening Report prepared by <i>MDB</i> .                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3. Has an AA screening report or NIS been submitted?</b>    | Yes                                                                                                                                                                                                             | Appropriate Assessment Screening Report prepared by <i>Altamar Marine &amp; Environmental Consultants</i> .                                                                                                                                                                                                                                                                                                                                                            |
| <b>4. Is a IED/ IPC or Waste Licence (or</b>                   | No                                                                                                                                                                                                              | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                                                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | <p>Strategic Environmental Assessment (SEA) of the Dublin City Development Plan 2022-2028 as varied (referred to herein as development plan). The SEA indicates that appropriate mitigation measures will be implemented including monitoring programmes, green infrastructure provisions and phasing of development.</p> <p>Climate Action &amp; Energy Statement</p> <p>Operational Waste Management Plan</p> <p>Resource Waste Management Plan</p> |

| B.<br>EXAMINATION                                                                                                                   | Yes/ No/<br>Uncertain | <p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p> | <p><b>Is this likely to result in significant effects on the environment ?</b></p> <p>Yes/<br/>No/<br/>Uncertain</p> |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p> |                       |                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                      |
| <p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>        |                       |                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                      |
| <p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>          | <p>No</p>             | <p>The subject site is currently in use as a surface car park directly adjacent to and in use by 'The Masonry' Iconic Offices on Thomas Street within Dublin south inner city. The proposed project is similar in character and scale to adjoining mixed use/Office/Hotel development along Thomas Street.</p>                                                                                                      | <p>No</p>                                                                                                            |

|                                                                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |
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| <b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?                                                 | Yes | Site clearance and demolition works are limited to an existing substation, boundary wall and gates along the Thomas Street frontage on this brownfield site. The redevelopment of a currently vacant site would result in a physical change to the locality. I note that the Visual Impact Assessment findings define the magnitude of change to Thomas Street ranging from low to medium high and as viewed from Marshal Lane (Robert Emmett Close) from medium to high. Whilst noting there would be an increase in built/visual enclosure in a part of Marshal Lane the impact is classified as neutral in the submitted Townscape and Visual Impact Assessment, taking into account that a new building is (s) not inappropriate in the location and (b) not unsightly. | No |
| <b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | Yes | The submitted Resource Waste Management Plan (RWMP) prepared by TMS Environment Ltd provides detail of prevention and management of construction & demolition wastes and resources from design to construction of the project, including consideration of the deconstruction of a project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No |
| <b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?                                          | Yes | A detailed Construction Environmental Management Plan (CEMP) by TMS Environment Ltd accompanies the planning application. It sets out a series of site management and mitigation measures for implementation during construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | No |

|                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |
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| <b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?                                                                      | Yes | It is not anticipated that significant quantities of waste would be generated at construction stage as a result of the proposed development. The submitted Resource Waste Management Plan (RWMP) sets out that it is not expected that there will be any fuel or oil wastage at the site, given the control and mitigation measures detailed in the Construction Environmental Management Plan (CEMP).                                                                                                                                                                                                                                                                       | No |
| <b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | Yes | The submitted RWMP outlines that any contaminated soils will be removed from the site and hazardous and non-hazardous wastes arising will be disposed of at licensed facilities.<br><br>A detailed Construction Environmental Management Plan (CEMP) accompanies the application and sets out a series of site management and mitigation measures for implementation during construction.                                                                                                                                                                                                                                                                                    | No |
| <b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?                                                                   | Yes | As per Table 4 (section 5.5) of the submitted EIA Screening Report it is stated that the development will not give rise to harmful effects of exposure to environmental noise. The site is not located within a Proposed Candidate Quiet Area (CQA) Dublin Agglomeration Draft Noise Action Plan 2024-2028.<br><br>Construction noise impacts were assessed within the CEMP which details construction noise limits within which the construction will be completed. Best practice control measures, including choice of plant, scheduling of works on-site, on-site noise monitoring and other measures, will be employed in order to ensure noise limits are not exceeded. | No |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <p>Noise Impact Assessment prepared by TMS Environmental Ltd has been submitted in support of the applicant's response to third party appeal. The NIA focuses on the operational phase for the proposed aparthotel and potential for entertainment noise breakout from the internal areas of the rooftop bar and event space, plant noise and traffic noise. The impact assessment found that there is no adverse noise impact predicted at any of the noise sensitive receptor locations as a result of the operation of the proposed aparthotel.</p> <p>The construction and operational phases of the proposed development would consist of similar nuisance generating activities in terms of plant and vehicle movement. Noise, vibration, lighting, and dust arising from demolition and construction activities and construction traffic have the potential for pollution and/or nuisance. The submitted EIA Screening Report details that it is not considered that demolition at the site or the construction of the hotel would give rise to significant pollution and nuisances subject to mitigation measures in the CEMP.</p> <p>Any risk of surface water pollution can be avoided by adherence to best practice construction and environmental management during the construction phase which will ensure that the development would not result in pollution of groundwater or surface water. Best available environmental practices would be adhered to during operational phase of the proposed development to ensure that dirty or contaminated water will be treated before being discharged from the site.</p> <p>Dust nuisance during construction will be controlled by a dust management plan as Specified in the CEMP by TMS Environment Ltd.</p> |  |
|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

|                                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |
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|                                                                                                              |     | No operational impacts in this regard are anticipated. The proposed development is for a hotel. Accordingly, there are no significant expected residues or emissions. Significant negative effects on the environment are not likely to arise due to pollution or nuisance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| <b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution? | Yes | Best practice construction measures will be put in place during the construction phase and these measures will continue to be employed in the completion and construction of the remaining elements of the proposed development which will ensure that there are no significant effects on the environment. Dust nuisance during construction will be controlled by a dust management plan as Specified in the CEMP by TMS Environment Ltd.                                                                                                                                                                                                                                                                                                                                                                                 | No |
| <b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?      | No  | <p>There are no COMAH establishments within the vicinity of the subject site.</p> <p>Section 5.1.1 sets out that standard construction practices will be employed throughout the construction phase. There are no technology or substance to be used in the development which may cause concern for having likely significant effects on the environment. There is no significant risk of accidents or disasters.</p> <p>The site is not prone to fluvial flood risk. The proposal is not of such a location or scale that it would impact upon the absorption capacity of this aspect.</p> <p>Best practice construction methodologies are proposed to be employed through the construction phase, and a Construction and Environmental Management Plan (CEMP) is proposed in conjunction with monitoring commitments.</p> | No |

|                                                                                                                                  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |
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| <p><b>1.10</b> Will the project affect the social environment (population, employment)</p>                                       | <p>Yes</p> | <p>The site is in an established area well served with educational, community/sporting, creches, retail, healthcare, amenities, parks, and local facilities in its vicinity. A study of the population demographics within a 1km radius of the subject site was performed as part of the EIA Screening report. It is noted that the population of the Study Area rose from 41,124 to 52,314, equivalent to a 27% increase between the 2016 and 2022 census</p> <p>Section 5.1.2 of the submitted EIA Screening report sets out, under subsection (vii), that the proposed aparthotel use is consistent with the mixed-use city centre context of the site and economic needs of the city to sustain aparthotel and hotel accommodation supply.</p> <p>The Traffic and Transport Assessment by Barrett Mahony concludes that the proposed development is expected to have a negligible effect on local traffic conditions in terms of private car movements. Given that the site is currently in use as a car park, the development is likely to result in a reduction in vehicle trips, particularly during peak periods.</p> | <p>No</p> |
| <p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p> | <p>Yes</p> | <p>The proposed development is set within the context of regeneration in the wider city area in line with the development plan policy.</p> <p>The subject site is 0.190ha only.</p> <p>This project is not directly part of a wider large-scale masterplan, however, as set out in section 2 of the <i>CBRE</i> 'Accommodation Concentration Report in relation to a proposed Aparthotel at 144-150 Thomas Street, Dublin 8' this part of the city is evolving and is characterised by a number of significant and large-scale regeneration proposals in close proximity to the application site. The subject site is independent of, but adjacent to, the LDA led</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>No</p> |

|                                                                                                                                                                                                                                                                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |
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|                                                                                                                                                                                                                                                                                                                                                                                     |     | <p>residential led mixed use development masterplan area (which covers 3.72ha north and south of Thomas Street) i.e. the Pear Tree Crossing Masterplan.</p> <p>Cumulative temporary effects are possible during the construction phase depending on the timeline of the redevelopment of the masterplan lands. Best practice construction methodologies are proposed to be employed through the construction phase, and a Construction and Environmental Management Plan (CEMP) is proposed in conjunction with monitoring commitments.</p>                                                                                                                                                                                                                                                                                         |    |
| <b>2. Location of proposed development</b>                                                                                                                                                                                                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |
| <p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological</li> </ul> | Yes | <p>The nearest European site is South Dublin Bay and River Tolka Estuary SPA (3.9 km) and the nearest waterbody to the subject site is the River Liffey, located 280m to the north of the site boundary - there is no hydrological pathway from the proposed development site to this waterbody.</p> <p>Both surface and foul water discharge from the site will ultimately connect to the existing combined sewer on Thomas Street. The water will then be treated under licence at Ringsend WwTP, prior to being discharged to Dublin Bay. There is thus an indirect hydrological pathway from the proposed development site to the European sites located within Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-West Irish Sea SPA).</p> | No |

|                                                                                                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
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| interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| <b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project? | No  | The existing site is a brownfield site, with substation located in the southeastern corner and the remaining site comprising hardstanding (tarmac) currently in use as a car park.                                                                                                                                                                                                                                              | No |
| <b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?                                                                                                           | Yes | <p>The site is outside the designated Thomas Street Architectural Conservation Area (ACA), positioned across the street from same, and fronts directly onto the Thomas Street designated Conservation Area. There are no protected structures on the site of immediately adjoining the site.</p> <p>As per the submitted Archaeological and Built Heritage Assessment report prepared by Judith Carroll and Co. there are a</p> | No |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
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|  |  | <p>number of sites listed in the Record of Monuments and Places related to the application site, as follows:</p> <ul style="list-style-type: none"> <li>• The site is approximately 110 metres east of the medieval St. James's Gate (DU018-020035) which formed the western defensive gateway of the outer city walls.</li> <li>• The north end of the development site is also the same general distance east of Croker's Gate (DU018-020035) which linked the city wall with James' Gate.</li> <li>• Close to James's Gate and to the west of the site is DU18-020233, the bridge over the watercourse, which was located at the junction of James's Street and Thomas Street West at present day Watling Street.</li> <li>• About 50m to the east of the development site, is St. Catherine's Church (DU018-020074) which occupies the site of a 13th century parish church which was built as a replacement church for St. Thomas's Church.</li> <li>• Directly relating to the application site and along its eastern edge are two RMP sites:</li> </ul> <p>RMP DU18-020977 is described as a house of indeterminate date with a record of as 'five two storey cagework houses erected at the corner of Thomas Street and Mass Lane. These have since been demolished.' It is likely that these are the five structures shown on Rocqués map and if so, they were on the east side of Marshalsea</p> |  |
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|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
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|  |  | <p>(Mass) Lane, at its intersection with Thomas Street where DU018-020338 is currently indicated on the zoning map.</p> <p>The second RMP located on the site (DU018020999) points to the site of a possible inn. The descriptions of the inn appear to be those of the extant Brazen Head listed structure which is located on Bridge Street Lower. Some confusion could have arisen because of Robert Emmet historical associations with both this area and the Brazen Head in Lower Bridge Street which is described by Maurice Craig as stated in the RMP records. While there may certainly have been more than one inn called by the above name in Dublin, there are no records to support the location of an inn at this location.</p> <ul style="list-style-type: none"> <li>As noted above, to the east of Marshalsea Lane, the house at the corner of the Lane, No. 141 Thomas Street, is described as a house of indeterminate date, DU018-020338. It is a protected structure, RPS 50080336, built c. 1800.</li> </ul> <p>Mitigation measures to ensure that potential impacts during the construction phase of the development on potential sub-surface archaeological remains and existing upstanding historical features are as follows:</p> <ul style="list-style-type: none"> <li>Licensed archaeologist - all archaeological works will be undertaken by a suitably licensed archaeologist, in consultation with the City Archaeologist and the National Monuments Service (NMS) and may be secured by planning condition.</li> <li>Trial testing - Archaeological trial testing will be carried out to determine the nature and extent of subsurface remains.</li> </ul> |  |
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|-----------------------------------------------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                                                                                                                 |    | <p>Findings will inform further mitigation, which may include full excavation, preservation in situ, or archaeological monitoring during construction.</p> <ul style="list-style-type: none"> <li>• Marshalsea Wall – this wall will be retained in full and not impacted by development. The proposed building is to be set back approximately 4.3 m from the northern boundary to protect the wall and preserve the historic alignment of Croker’s Lane. The wall will be recorded in advance of works, including a photogrammetry survey. Construction-phase protection measures will include vibration monitoring and archaeological oversight to safeguard the wall and former lane.</li> <li>• Croker’s Lane – the historic footprint of this lane will be fully preserved both above and below ground. The lane will be monitored during development and its alignment clearly identified at ground level through a granite stone surface treatment.</li> <li>• Marshalsea Lane – Lies outside of the application site. Photographic and scaled digital recording of eastern boundary wall and archaeological investigation to be undertaken.</li> </ul> <p>RMP Sites – adjacent sites are not considered likely to relate to remains on site. A report clarifying status and location of RMP sites to be submitted to NMS and City Archaeologist prior to any excavation works being undertaken.</p> |    |
| <b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources | No | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | No |

|                                                                                                                                                                                                                            |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |    |
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| which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?                                                                                                            |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |    |
| <b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk? | No  | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?                                                                                                                                               | No  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | No |
| <b>2.7</b> Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could                                | Yes | The Liffey Valley to City Centre Core Bus Corridor Scheme, running along the front of the subject site, has been approved and works to the footpath adjacent the site is proposed. Demolition and construction works will be undertaken in a manner cognisant of this scheme and where required works will be aligned accordingly.<br><br>Section 3.17 outlines considerations with respect to traffic impacts. It is noted that access to the proposed development will be from Thomas Street to the south of the site. The existing site access point at the western end of the southern boundary is proposed to | No |

|                                                                                                                                                    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |
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| be affected by the project?                                                                                                                        |     | <p>be maintained. The Engineering Infrastructure Report confirms that adequate visibility is achieved when leaving the site.</p> <p>Once operational, car parking would not be provided on site. Service delivery and access have been assessed with a delivery area and additional parking provided for deliveries which will normally be scheduled outside of peak hours. The report notes that as the development will replace a site currently used as a car park, the development will likely reduce vehicle movements on Thomas Street.</p> <p>The Traffic and Transport Assessment by Barrett Mahony concludes that the proposed development is expected to have a negligible effect on local traffic conditions in terms of private car movements. Given that the site is currently in use as a car park, the development is likely to result in a reduction in vehicle trips, particularly during peak periods.</p> |    |
| <b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project? | Yes | <p>Section 2.3.18 of the submitted EIA Screening Report details that the subject site is proximate to the major tourist attraction Guinness Storehouse and the James Street Hospital. These are significant sources of employment in the area. The St. Patrick's University Hospital is located c. 600 metres to the west of the site and is also a large employer. The National College of Art and Design is also located approximately 300 metres to the east of the site along Thomas Street, with associated student population and activities. The NCAD Gallery is used for displays and exhibitions.</p> <p>A detailed Construction Environmental Management Plan (CEMP) by TMS Environment Ltd accompanies the planning application. It sets out a series of site management and mitigation measures for implementation during construction</p>                                                                       | No |

|                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                            |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                            |    |
| <b>3. Any other factors that should be considered which could lead to environmental impacts</b>                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                            |    |
| <b>3.1 Cumulative Effects:</b><br>Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase? | Yes | Cumulative considerations are outlined in section 4.4 (iv) of the submitted EIA Screening report. It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant effects on the environment. No significant adverse effects have been identified; no measures are recommended to avoid or prevent such impacts. | No |
| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?                                                                                     | No  | There are no transboundary effects associated with this project.                                                                                                                                                                                                                                                                                                           | No |
| <b>3.3</b> Are there any other relevant considerations?                                                                                                                       | No  | None                                                                                                                                                                                                                                                                                                                                                                       | No |
| <b>C. CONCLUSION</b>                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                            |    |
| <b>No real likelihood of significant effects on the environment.</b>                                                                                                          | ✓   | EIAR Not Required                                                                                                                                                                                                                                                                                                                                                          |    |
| <b>Real likelihood of significant effects on the environment.</b>                                                                                                             |     | EIAR Required                                                                                                                                                                                                                                                                                                                                                              |    |
| <b>D. MAIN REASONS AND CONSIDERATIONS</b>                                                                                                                                     |     |                                                                                                                                                                                                                                                                                                                                                                            |    |

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed aparthotel development, in an urban area served by public infrastructure
  - (b) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the mitigation measures in respect to archaeological layers and features

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

### Appendix 3: AA Screening Determination

| Screening for Appropriate Assessment -Test for likely significant effects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   |                                                                                                                                                                                               |                                     |                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------|
| Case Reference Number: PL-501390-DS-26                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                   |                                                                                                                                                                                               |                                     |                                                   |
| Step 1: Description of the project and local site characteristics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                   |                                                                                                                                                                                               |                                     |                                                   |
| Brief description of project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   | Site clearance, demolition of sub-station and boundary and construction of an aparthotel building with café, a public bar/event space and all associated site works.                          |                                     |                                                   |
| Brief description of development site characteristics and potential impact mechanisms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                   | Site measures approx. 0.190ha and comprises brownfield land in use as a car park. Site is approx. 4.8km west of South Dublin Bay SAC and 3.9 km South Dublin Bay and River Tolka Estuary SPA. |                                     |                                                   |
| Screening report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                   | Y/ <del>N</del> Prepared by Altamar                                                                                                                                                           |                                     |                                                   |
| Natura Impact Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                   | Y/N                                                                                                                                                                                           |                                     |                                                   |
| Relevant submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                   | Planning Authority Screening.                                                                                                                                                                 |                                     |                                                   |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                   |                                                                                                                                                                                               |                                     |                                                   |
| European Site (code)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Qualifying interests <sup>1</sup><br>Link to conservation objectives (NPWS, date) | Distance from proposed development (km)                                                                                                                                                       | Ecological connections <sup>2</sup> | Consider further in screening <sup>3</sup><br>Y/N |
| <p>The submitted Appropriate Assessment screening report from Altamar identified a large number of European Sites within a 15km catchment. It is stated in respect to the identification of relevant European sites that “<i>The Zol of the proposed project would be seen to be restricted to the site outline, with potential for minor localised noise and lighting impacts during construction which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites</i>”. Waterbodies located proximate to the proposed development are illustrated in Figure 8 of the report. I identify the following Sites on grounds the source-pathway-receptor model. The following</p> |                                                                                   |                                                                                                                                                                                               |                                     |                                                   |

|                                                                                                                |                                                                                                      |       |                                                                                                                                                       |    |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| European Sites were also considered and screened out in the submitted Appropriate Assessment screening report. |                                                                                                      |       |                                                                                                                                                       |    |
| South Dublin Bay SAC (000210)                                                                                  | <a href="#">South Dublin Bay SAC   National Parks &amp; Wildlife Service</a>                         | 4.8km | Indirect pathway via the combined foul and surface water drainage network. No significant effects on the qualifying interests of this SAC are likely. | No |
| South Dublin Bay and River Tolka Estuary SPA (004024)                                                          | <a href="#">South Dublin Bay and River Tolka Estuary SPA   National Parks &amp; Wildlife Service</a> | 3.9km | Indirect pathway via the combined foul and surface water drainage network. No significant effects on the qualifying interests of this SPA are likely  | No |

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Site - AA Screening matrix**

| Site name<br>Qualifying interests                                                                                                                                                                                                                                                                                                                                                                         | Possibility of significant effects (alone) in view of the conservation objectives of the site* |                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                           | Impacts                                                                                        | Effects                        |
| <p>South Dublin Bay SAC (000210)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]<br/>Annual vegetation of drift lines [1210]<br/>Salicornia and other annuals colonising mud and sand [1310]<br/>Embryonic shifting dunes [2110]</p> <p>The Conservation Objective for the SAC is to maintain the favourable conservation conditions of the identified Qualifying Interests.</p> | No direct, indirect, ex situ or in combination impacts.                                        | No significant effects likely. |
|                                                                                                                                                                                                                                                                                                                                                                                                           | Likelihood of significant effects from proposed development (alone): No                        |                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No</p> |                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Impacts                                                                                                                   | Effects                               |
| <p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]<br/> Oystercatcher (<i>Haematopus ostralegus</i>) [A130]<br/> Ringed Plover (<i>Charadrius hiaticula</i>) [A137]<br/> Grey Plover (<i>Pluvialis squatarola</i>) [A141]<br/> Knot (<i>Calidris canutus</i>) [A143]<br/> Sanderling (<i>Calidris alba</i>) [A144]<br/> Dunlin (<i>Calidris alpina</i>) [A149]<br/> Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]<br/> Redshank (<i>Tringa totanus</i>) [A162]<br/> Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]<br/> Roseate Tern (<i>Sterna dougallii</i>) [A192]<br/> Common Tern (<i>Sterna hirundo</i>) [A193]<br/> Arctic Tern (<i>Sterna paradisaea</i>) [A194]<br/> Wetland and Waterbirds [A999]</p> <p>The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests.</p> | <p>No direct, indirect, ex situ or in combination impacts.</p>                                                            | <p>No significant effects likely.</p> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Likelihood of significant effects from proposed development (alone):</p> <p>No</p>                                     |                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No</p> |                                       |

**Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.  
No mitigation measures are required to come to these conclusions.

**Screening Determination**

**Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of proposed works and the location-distance from nearest European site and lack of connections.