

# MetroLink

Transport Infrastructure Ireland

# **Planning Report Update**

F01

2024/03/21

### **Planning Report Update**



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## **Document history and status**

Revision	Date	Description	Author	Checker	Reviewer	Approver
D02	21/3/2024	Planning Report Update	СН	JK	JK	

#### **Planning Report Update**



#### 1.0 Introduction

The Planning Report for the Proposed Project was updated to account for policy changes since the lodgement of the Railway Order application. The update was issued as part of the Opening Statement of the Oral Hearing on 19th February 2024.

This update has been prepared to incorporate changes to the findings of the Planning Report, resulting from

- Updates in the status of the Dublin City Climate Action Plan 2024-2029;
- the agreement of conditions with Dublin City Council and Fingal County Council;
- further environmental commitments as part of the Environmental Impact Assessment Report (EIAR);
   and
- the addition of omitted policies relevant to the Proposed Project in the Dublin City Development Plan 2022-2028 in relation to built heritage.

New information in relation to the Planning Report is outlined in this update as follows:

- Section of text added is identified as green and underlined.
- · Section of text removed is identified as red text and struck through.

## 2.0 Policy Updates

### 2.1 Fingal Development Plan 2023-2029

Table 3.8 of the Planning Report is amended for the following policy:



**Table 3.8: FCC Strategic Policies** 

Section	Chapter title / Sub heading	Bullet point no. / Objective no.	Paragraph / Policy / Objective	Project Response
9.6.9	Green Infrastructure and Natural Heritage - Protection of Trees and Hedgerows	Policy GINHP21	Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and / or contribute to landscape character and ensure that proper provision is made for their protection and management in line with the adopted Forest of Fingal-A Tree Strategy for Fingal.	As part of the TII response to the Fingal County Council submission on the Railway Order, the following is noted:  EIAR Appendix A27.3 presents an Arboricultural Impact Assessment, which assesses the proposed tree loss at each station. In EIAR Chapter 27 (The Landscape), it is noted that the inclusion of measures to avoid, reduce and offset significant adverse landscape and visual effects forms an inherent part of the brief and design thinking in the Proposed Project. The proposals include for example, the provision of tree and woodland planting which effectively replaces trees unavoidably lost as a result of the alignment, design and construction of the proposed Project. This forms part of the embedded primary mitigation included within the landscape design. However, in most circumstances the designed planting as proposed is more appropriately scaled to the pertaining landscape context and is invariably more biodiverse than the baseline planting lost. These aspects of the proposed Project go beyond the requirements of mitigation and are in effect enhancements of the baseline.
				Secondary measures will include specific proposals to ensure the effective retention of existing mature trees, where such is included within the proposed Project. These would normally contain specific measures relating to the protection and maintenance of tree root zones during construction (robust protective fencing, supplementary watering etc), which may need to be specific to individual trees and relate to the characteristics of the relevant tree species. However, they also generally require designed features incorporated within adjacent proposed hard landscape works area to ensure protection and continued development of tree root systems.



Section	Chapter title / Sub heading	Bullet point no. / Objective no.	Paragraph / Policy / Objective	Project Response
				Details of the proposed maintenance and management strategy for all planting will be set out, including the proposed initial period of establishment for which the contractor will be responsible. This will also include appropriate parameters for monitoring performance in terms of expected growth and/or rates of cover over the initial establishment period, details of the maintenance operations proposed over the period for each type of planting proposed and a schedule of suggested maintenance operations required in the first 5 years after handover to the maintaining authority.
				The alignment of the proposed Project was developed with the principle of retaining as many trees, hedgerows as possible, as one of the alignment criteria set out in the New Metro North Alignment Options Report (2018).  However, not all existing woodlands, trees and hedgerows of amenity or biodiversity value and / or contribute to landscape character are retained as part of the proposed Project, and this may not be fully consistent with the policy of the Development Plan.
				The combination of landscape design proposals and the condition agreed with FCC to protect retained trees and hedgerows and replace all trees and hedgerows being removed, will ensure that the MetroLink project, although it does not fully align with FCC's policy GINHP21 or objective DMSO125 to protect, preserve and manage existing trees and hedgerows, will ensure no net loss of hedgerow length and result in an overall net gain in tree numbers in Fingal.

# 2.2 Dublin City Development Plan 2022-2028

Table 3.14 of the Planning Report is amended, to amend the responses to objective GIO23 and policy BHA2 and include additional policies BHA2-BHA11, BHA16, BHA18 and BHA20.



Table 3.14 DCDP's Strategic Policies

Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
10.5.3	Manage / Protect / Enhance Parks	GIO23	'It is the policy of Dublin City Council to continue to manage and protect and/or enhance public open spaces to meet the social, recreational, conservation and ecological needs of the city and to consider the development of appropriate complementary facilities which do not detract from the amenities of spaces.'	elements that are located in lands that are zoned for open space use. In each of these locations, the detail of the design ensures that the open spaces will be reinstated to open space use following completion of the construction phase.  The landscape design proposals include for elements of woodland, tree, shrub, swale, wildflower meadow or feature planting in different combinations across the city's parks, which generally retain or introduce greater habitat and structural diversity. The landscape design proposals are set out in the Railway Order documents as follows, with plant lists provided in the Materials Palette (pages 89 to 105):  Albert College Park The general landscaping arrangement is shown on drawing ML1-JAI-SRD-ROUT XX-DR-Y-03001 (Structures Details, Book 3, page 81 of 89)  Griffith Park The general landscaping arrangement is shown on drawing ML1-JAI-SRD-ROUT XX-DR-Y-02051 (Structures Details, Book 2, page 15 of 61)  Mater Park The general landscaping arrangement is shown on drawing ML1-JAI-SRD-ROUT XX-DR-Y-02065 (Structures Details, Book 2, page 29 of 61)  St. Stephens Green The general landscaping arrangement is shown on drawing ML1-JAI-SRD-ROUT XX-DR-Y-02084 (Structures Details, Book 2, page 29 of 61)  St. Stephens Green The general landscaping arrangement is shown on drawing ML1-JAI-SRD-ROUT XX-DR-Y-02084 (Structures Details, Book 2, page 48 of 61)  In addition to the landscape design proposals, the conditions agreed between TII and DCC in their letter of 15 February 2024 will ensure that the



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
				ecological functioning of the city's parks are protected and enhanced in line with DCC's objective GIO23 regarding the city's parks and the ecological needs of the city.  However, as described in Chapter 27 (The Landscape) of the EIAR, the impacts will result in non-compliance
				with this objective, noting that the impacts are on a small proportion of each area of open space affected.
11.5.1	Loss of Protected Structures	ВНАЗ	That the City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances.	While some negative impacts will occur to Protected Structures as a result of the proposed Project, there is no total or substantial loss of Protected Structures.
11.5.1	Ministerial Recommendati ons	BHA4	To have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.	Chapter 25 of the EIAR (Archaeology and Cultural Heritage) fully considers the structures on the NIAH in its assessment.
11.5.1	Demolition of Regional Rated Building on NIAH	BHA5	That there is a presumption against the demolition or substantial loss of any building or other structure assigned a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH), unless it is clearly justified in a written conservation assessment that the building has no special interest and is not suitable for addition to the City Council's Record of Protected Structures (RPS); having regard to the provisions of Section 51, Part IV of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities (2011).	Two structures are to be demolished with a 'Regional' rating on the National Inventory of Architectural Heritage.  These comprise the Brian Boru pub at Glasnevin and the Carlton Cinema at O'Connell Street.  Chapter 26 of the EIAR (Architectural Heritage) has assessed the effect of the loss of the properties.  Demolition of these structures is unavoidable in both cases as it is needed for the construction of the stations.  While there is a presumption against demolition, it is not precluded by the policy.
11.5.1	Buildings on Historic Maps	BHA6	That there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847. A conservation report	The Proposed Project will require the demolition of the three houses at 1 to 3 Prospect Terrace. A terrace of houses is depicted in this area on the



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
			shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report this it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).	1843 Ordnance Survey map. (Constraint Number BH-32)  Chapter 26 of the EIAR (Architectural Heritage) assessed the effect of the loss of the properties (Impact Reference AHI- 33) which identified that "The impact would decrease to moderate following mitigation."  The demolition is required for the construction of Glasnevin Station.  While there is a presumption against demolition, it is not precluded by the policy.
11.5.2	Architectural Conservation Areas	BHA7	(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible.  Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.  (b) Ensure that all development proposals within an ACA contribute positively to the area and have full regard to the quidance set out in the Character Appraisals and Framework for each ACA.  (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to	The Proposed Project will have an above ground relationship with the following Architectural Conservation Areas  Within the O'Connell Street ACA; and  Adjacent to, with some utility works within, the Dartmouth Square and Environs ACA.  At O'Connell Street, the Proposed Project will require the removal of a number of structures that face onto O'Connell Street, that contribute to its character and appearance, including the buildings behind the protected facades of 43 O'Connell Street Upper, 52-54 O'Connell Street Upper, 58 O'Connell Street Upper and the non-protected 45 O'Connell Street Upper, 46-49 O'Connell Street Upper.  The Proposed Project has been developed to support the development of the site overhead for mixed use development that will provide buildings facing onto



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
			their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.  (d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.  (e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.  (f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.  All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.	O'Connell Street and reintegrate the streetscape and the Architectural Conservation Area.  In a scenario where no overhead development is in place on completion of the Proposed Project on the Station site, the Proposed Project would not fully meet this policy.  At Charlemont Station, the Proposed Project complements the character and distinctiveness of the ACA.  Historic features within the ACA will be protected, as committed to within the EIAR.  (a) The Proposed Project lies outside the ACA and does not affect any of the structures within it.  (b) The Character Appraisal and Framework is not affected by the Proposed Project  (c) Chapter 27 of the EIAR (The Landscape) and Chapter 26 (Architectural Heritage) identifies that the Proposed Project will align with the character and distinctiveness of the ACA.  (d) The Proposed Project meets this policy, through the environmental commitments made in Chapter 25 (Archaeological and Cultural Heritage) and Chapter 26 (Architectural Heritage) of the EIAR and Condition No. 4 as agreed with Dublin City Council.  (e) The Proposed Project meets this policy, through the environmental commitments made in Chapter 25 (Archaeological and Cultural Heritage) and Chapter 26 (Architectural Heritage) of the EIAR and Condition No. 4 as agreed with Dublin City Council.  (e) The Proposed Project meets this policy, through the environmental commitments made in Chapter 25 (Archaeological and Cultural Heritage) and Chapter 26 (Architectural Heritage) of the EIAR and Condition No. 4 as agreed with Dublin City Council.



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
11.5.2	Demolition in an ACA	ВНА8	There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.	The loss of structures within O'Connell Street ACA and adjacent to Dartmouth Square and Environs ACA are required for the construction of the stations. which will provide a significant public benefit.  The loss of structures at O'Connell Street has separately been proposed under planning applications granted planning permission by Dublin City Council and under appeal to An Bord Pleanála.  Outside the Dartmouth Square and Environs ACA, there will be a loss of 19 Dartmouth Road, identified as a 'two-storey, six-bay commercial building with channelled ashlar surround to doorway' (Constraint No. BH-620).
11.5.2	<u>Conservation</u> <u>Areas</u>	BHA9	To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:  1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.  2. Re-instatement of missing architectural detail or important features.  3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.	The Proposed Project has above ground works located within or adjacent to the following areas that are identified as a 'Conservation Area' in the Dublin City Development Plan 2022-2028:  • Adjacent to Z2 Conservation Area at Hampstead Avenue, Glasnevin at the Intervention Shaft;  • Conservation Area at Griffith Park Station;  • Conservation Area at Glasnevin Station;  • Conservation Area at Mater Station;  • Conservation Area at O'Connell Street Station;  • Conservation Area and Z8 Georgian Conservation Area at St. Stephen's Green Station; and  • Conservation Area and Z2 Conservation Area at Charlemont Station.



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
			4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.	distinctiveness of each Conservation  Area as identified in Chapter 26  (Architectural Heritage) of the EIAR.
			5. The repair and retention of shop and pub fronts of architectural interest.	In the scenario where no over site development occurs at the O'Connell
			6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.	Street Station, the Proposed Project would not fully meet this policy.
			7. The return of buildings to residential use.  Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.	
11.5.2	Demolition in a Conservation Area	BHA10	There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.	The demolition of structures within the Conservation Areas at Glasnevin Station and O'Connell Street and close to the Grand Canal Conservation Area at Charlemont Station are required for the construction of the stations, which will provide a significant public benefit.  The loss of structures at O'Connell Street has separately been proposed under planning applications granted planning permission by Dublin City
				Council and under appeal to An Bord Pleanála.  The loss of the Brian Boru Pub and 1-3 Prospect Terrace are required for the construction of Glasnevin Station.  The loss of 19 Dartmouth Road lies to the rear of the site when viewed from the Conservation Area and does not contribute to its character.



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
11.5.2	Rehabilitation and Reuse of Existing Older Buildings	BHA11	(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings / structures / features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.  (b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.  (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.	The existing facades of the structures to be demolished on O'Connell Street will be retained as part of the Proposed Development.
11.5.2	Industrial Heritage	BHA16	To have regard to the city's industrial heritage and Dublin City Industrial Heritage Record (DCIHR) in the preparation of Local Area Plans and the assessment of planning applications. To review the DCHIR in accordance with Ministerial Recommendations arising from the National Inventory of Architectural Heritage (NIAH) survey of Dublin City.	The Dublin City Industrial Heritage Record (DCIHR) has been used in identifying elements of heritage value in the EIAR.
11.5.2	Historic Ground Surfaces, Street Furniture and Public Realm	BHA18	(a) To protect, conserve and retain in situ historic elements of significance in the public realm including milestones, jostle stones, city ward stones, bollards, coal hole covers, gratings, boot scrapers, cast iron basement lights, street skylights and prisms, water troughs, street furniture, post boxes, lampposts, railings and historic ground surfaces including stone kerbs, pavement flags and setts, and to promote conservation best practice and high standards for design, materials and workmanship in public realm improvements within areas of historic character, having regard to the national Advice Series on Paving: The	The Proposed Project meets this policy, through the environmental commitments made in Chapter 25 (Archaeological and Cultural Heritage) and Chapter 26 (Architectural Heritage) of the EIAR and Condition No. 4 as agreed with Dublin City Council, and the proposed conditions proposed by TII in relation to St. Stephen's Green.



Section	Chapter Title / Sub-Heading	Bullet Point / Objective No.	Paragraph / Policy / Objective	Project Response
			Conservation of Historic Ground Surfaces (2015).  (b) To maintain schedules of stone setts, historic kerbing and historic pavers/flags, and associated features in the public realm, to be protected, conserved or reintroduced (Appendix 6), and to update and review these schedules during the period of this development plan.	
11.5.5	Moore Street National Monument	BHA30	To co-operate with, and facilitate, the state in its preservation of the National Monument at 14-17 Moore Street on a joint venture basis, and to support the retention and refurbishment of the cultural quarter associated with 1916 on Moore Street and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report to the Minister for Heritage and Electoral Reform and the minister's response.	The Proposed Development lies outside the boundary of the National Monument.

## 2.3 Dublin City Climate Action Plan 2024-2029

In relation to Section 3.6.2.6, the Dublin City Climate Action Plan 2024-2029, Climate Neutral 2030 was adopted in March 2024. The policies and actions quoted in the Planning Report remain unchanged.

## 3.0 Section 7 Update

Section 7 of the Planning Report - Conclusions, is updated as follows:

In respect of Fingal County Council,

Bullet point 3 is amended to the following:

Given the nature of the proposed Project as a linear infrastructure project developed over a number of
development plan cycles that interfaces with elements of the Green Infrastructure Network in the county and
unavoidably leads to some fragmentation, some elements of a number of policies and objectives of the
Fingal Development Plan 2023-2029 will not be met in full - GINHP2, GINHO2, GINHO4, GINHP10,
GINHO21, GINHP20, GINHO41 GINHO44 and GINHP21 and their associated development management
objectives, although this is reduced with the application of the proposed conditions agreed with Fingal
County Council.



In respect of Dublin City Council,

Bullet point 2 is amended to the following:

While the proposed Project has sought to minimise impacts on Protected Structures and National
Monuments, some negative impacts will occur, as set out in the EIAR. As a result, Dublin City Council
policies BHA2, BHA7, BHA9 and BHA26 are not met in full, although this is reduced with the application of
the proposed conditions agreed with Dublin City Council.

Bullet point 3 is amended to the following:

Given the nature of the proposed Project as a linear infrastructure project developed over a number of
development plan cycles that interfaces with elements of the Green Infrastructure Network in the city and
unavoidably leads to some fragmentation, tree loss and loss of amenity, there are inconsistencies with
elements of a number of policies and objectives of the Dublin City Development Plan 2022-2028 – GI16,
GIO23, GI29 and GI41, although this is reduced with the application of the proposed conditions agreed with
Dublin City Council.

Bullet point 5 is amended to the following:

• The approach taken by the proposed Project in relation to cycle parking number and form has been to develop a tailored MetroLink-specific methodology. The numbers of cycle parking to be provided preserves the capacity of the NTA and Dublin City Council in determining appropriate bike parking standards and objectives with public input in future strategic land use plans as the use of the Proposed Project grows. Condition No. 12 Item 8 as agreed with Dublin City Council considers cycle parking in the future and resolves this requirement. 'Pedestrian and cyclist connectivity to and within stations shall be improved as part of the project where possible. Cycle parking shall be provided at all stations in secure, well-lit and convenient locations. Details to be agreed with Dublin City Council at detailed design stage. Principles of universal design shall be adhered to, and accessibility requirements shall be met throughout the project.'

# 4.0 Planning History

The planning history for sites directly affected by the Proposed Project was provided as part of the Updated Planning Report, as of November 2023.

A number of new planning applications made since November 2023 and changes in status of current planning applications as of March 2024 are set out below.

Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
F23A/0721	'Frylite', Ballystruan Lane, Swords, the development consists of the continuation of the temporary change of use of part of the ABP meat processing plant from meat processing	27/11/2023	5/3/2024	No	Grant

# **Planning Report Update**



Planning Reference	Description	Registration Date	Decision Date	Appeal	Decision
	to a waste transfer and processing facility.				
F23A/0727	The development will consist of a Healthcare Facility of 4,425.8 sqm gross floor area (GFA), across three storeys over a lower ground floor level car park and all ancillary site works on a site of 2.1 ha, at Barrysparks, Swords	28/11/2023	31/1/2024	No	Grant
F23A/0781	The proposed development will consist of:  An increase in the capacity of the airport from the permitted combined capacity of Terminal 1 together with Terminal 2 of 32 million passengers per annum (32mppa) to 40 million passengers per annum (40mppa). The provision of airport infrastructure to include the follow various Project Elements, including:  a) Reconfiguration of the existing Ground Transportation Centre to provide additional bus bays (29no. in total) and associated works.	15/12/2023	n/a	n/a	Further Information
4753/23	The development will consist of the provision of signage at 2 Grand Parade, Dublin 6	9/11/2023	15/2/2024	No	Grant