

John Cannon

Derek

From: Michael O'Sullivan [REDACTED]
Sent: Friday 25 February 2022 10:43
To: Appeals2; Bord
Cc: SLA Dublin Central
Subject: Response to Third Party Appeal (ABP Ref.: ABP-312603-22 - DCC Reg. Ref. 2861/21)
Attachments: 20035 CL DC S3 P Response to 3P Appeal Final 25022022.pdf

Dear Sir / Madam,

We refer to your letter dated 31 January 2022 in respect of appeal reference ABP-312603-22, inviting a written response from the First Party by 28 February 2022.

We have been instructed by our Client (the First Party), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576, to make this formal written submission in response to the Third Party Appeal by Mr. Peter Hickey, 2 Clos na Heaglaise, Kilfenora, Co. Clare.

Please find attached the Applicant's Response Letter to the Third Party Appeal, prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants.

We trust this is in order, and would be grateful for acknowledgement of receipt of this email and submission on file.

All future correspondence relating to this appeal should be addressed to this office.

Regards,

Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES
Chartered Town Planners & Development Consultants
26/27 Upper Pembroke Street,
Dublin 2 D02 X361

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& Associates**

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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Our Ref. 20035

25 February 2022

RE: FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

**PLANNING APPLICATION FOR THE DEVELOPMENT OF MIXED-USE DEVELOPMENT IN 2NO. BLOCKS,
RANGING IN HEIGHT FROM 1 TO 9 STOREYS OVER 2NO. INDEPENDENT SINGLE LEVEL BASEMENTS
(GROSS FLOOR AREA C. 15,842.4 SQ M) AT NOS. 36 – 41 HENRY STREET, NOS. 1-9 MOORE STREET,
NOS. 3-13 HENRY PLACE, DUBLIN 1 (DUBLIN CENTRAL – SITE 3)**

AN BORD PLEANÁLA REF: ABP-312603-22

DUBLIN CITY COUNCIL REG. REF: 2861/21

Dear Sir / Madam,

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 are instructed by our Client (the Applicant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576 to submit this First Party Response to a Third Party Appeal by Mr. Peter Hickey, 2 Clos na Heaglaise, Kilfenora, Co. Clare.

We trust the Board will have regard to this response to the Third Party Appeal when assessing the proposed development.

We confirm that we act for the Applicant in this instance and would ask that all future correspondence in this matter be directed to this office.

We would be grateful for written acknowledgement of this submission at your earliest convenience.

Yours faithfully,

Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES

1 INTRODUCTION

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by our Client (the Applicant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands Dublin 2, D02 X576, to make this First Party Response to a Third Party Appeal.

This letter responds to a letter from An Bord Pleanála, dated 31 January 2022, inviting the Applicant to comment on a Third Party Appeal made by Mr. Peter Hickey, 2 Clos na Heaglaise, Kilfenora, Co. Clare.

The strategic importance of the application site and this development for Dublin City in general cannot be stressed enough in this appeal response. The Applicant acknowledges that undertaking a project of this scale, within Dublin City centre, will be complex and present numerous challenges. The Applicant remains steadfast in its belief that the proposed development (Dublin Central Site 3), in conjunction with the wider vision of the Dublin Central Masterplan, will see the sensitive, innovative and transformative rejuvenation of this area. The project area is in critical need of regeneration and has been since this issue was formally identified by Dublin City Council in 1997 (almost 25 years ago) in the preparation of the O'Connell Street Integrated Area Plan.

Planning applications for Sites 3 (DCC Reg. Ref. 2861/21 – subject of this Third Party Appeal and others to be responded to separately), Site 4 (DCC Reg. Ref. 2862/21 – the subject of separate Third Party Appeals) and Site 5 (DCC Reg. Ref. 2863/21) were made concurrently to Dublin City Council (DCC). Together, Sites 3, 4 & 5 will see the regeneration of the majority of the eastern side of Moore Street as far as Moore Lane and Henry Place to the east, O' Rahilly Parade to the north and Henry Street to the south.

Whilst DCC Reg. Ref. 2861/21 concerns the Site 3 development proposal, a Masterplan for the entire Dublin Central was prepared to provide insight on the wider proposals for this area. As such, while separate planning applications were made for individual sites within the Masterplan the interrelationships between each of the Sites has been thoroughly considered and tested in terms of design, delivery and ultimate operation of the Estate.

Dublin City Council issued a Notification of Decision on 12 January 2022, in which the vast majority of the Site 3 proposed development was granted permission, subject to 32no. conditions.

We would highlight that the Applicant has submitted a First Party Appeal to the Board, on 8 February 2022, in respect of one of the Planning Authority's conditions of permission. As set out in that First Party Appeal, the Applicant warmly welcomes the decision to grant permission for the proposed development, but has respectfully requested that the Board amend Condition 28 relating to the duration of the permission. The Applicant has sought to secure a 7 (seven) year permission instead of the standard 5 (five) year duration. This is the only issue which the Applicant has sought to challenge.

It is evident from the Planning Officer's Report that the Planning Authority has arrived at its decision in this case following a careful review of the issues raised by Third Parties. The Planning Authority also reopened the public consultation period on foot of receipt of the Significant Further Information, prior to making its decision. We consider that the Planning Authority has had due regard to all of the issues already raised in the Third Party Observation, which are now repeated in the Third Party Appeals.

We would respectfully request that the Board upholds the decision of DCC to grant permission for this development, having regard to the grounds of appeal set out in the First Party Appeal, in order to allow this strategically important development to finally proceed.

All relevant background information relating to the proposed development and relevant to this response to the Third Party Appeal, including site and development descriptions and planning policy context, can be found in the Planning Application Report submitted with the application to Dublin City Council on the 1 June 2021, and as amended by Significant Further Information on 9 November 2021.

2 RESPONSE TO GROUNDS OF APPEAL

We have reviewed the Third Party Appeal from Mr. Peter Hickey (and Mrs. Mooney) and acknowledge that Mr. Hickey generally welcomes the development and the improvements it will bring to the area.

The main grounds of appeal relate to concerns regarding potential construction related impacts (noise and dust), and how this might impact on the ability to trade from their market stalls / pitches on Henry Place during the construction stage.

2.1 Construction Management

We refer the Board in the first instance to the Outline Construction & Demolition Management Plan (OCDMP), prepared by Waterman Moylan Consulting Engineers which accompanied the Planning Application. This includes management of the construction process for Site 3 including appropriate mitigation measures for the control of noise, dust and vibration, amongst other matters. The following is an outline of the measures outlined in the OC&DMP: -

- Site Setup including but not limited to location of hoarding, location of site compound, access and egress into individual sites, craneage strategy, parking provisions, services for the construction site (drainage, power etc.) and on site facilities (wheel washing, security etc.)
- Construction Methodology including but not limited to surveys required, approach to enabling works (demolition, excavation etc.), basement / foundations, superstructure and retention of existing building fabric where relevant.
- Construction & Demolition Waste including the management of all waste generated from the demolition and construction of each site.
- Protection of Existing Buildings including the retention of buildings / façade where relevant, exclusion zones (in particular adjacent No. 14 – 17 More Street – National Monument / Protected Structure) and movement monitoring programme.
- Control of Noise, Dust and Vibration including all appropriate mitigation measures.
- Approach to Archaeological Monitoring.
- Compliance with Building Control Regulations.
- Liaison with Third Parties.

The DCC Environmental Health Officer determined that “[the] construction management plan is compliant with the Air Quality Monitoring and Noise Control Unit’s Good Practice Guide for Construction and Demolition.”

On the appointment of a contractor, the OC&DMP will be updated and agreed with Dublin City Council (Condition 10 of the Notification of Grant of Permission by DCC) to ensure best construction practice is implemented, including the management of noise, dust and vibration.

Furthermore, in accordance with Condition 32 of the Notification of Grant of Permission by DCC, the mitigation measures set out in the EIAR shall be implemented. Chapter 11 – Noise & Vibration of the EIAR sets out detailed mitigation measures in relation to the control, as far as practicable, of noise, dust and vibration during the construction process.

It is the Applicants intention to ensure that the appointed Contractor is made fully aware of the requirements to implement the mitigation measures set out in the EIAR, in particular in relation to the control of noise, dust and vibration during the construction process.

It must be acknowledged that the redevelopment of Site 3, given that it is a restricted urban, city centre site will result in some level of nuisance during the construction process. The Applicant has met the Moore Street traders on a regular basis both directly and via the Government appointed Moore Street Advisory Group (MSAG). The MSAG proposed a process be established to address trading issues arising during the construction phase. The Applicant is committed to participating in that process under the leadership of DCC as owner and licensor of the street market.

3 CONCLUSION

It is respectfully submitted that, by implementing the mitigation measure set out in the EIAR and the Outline Construction & Demolition Management Plan (to be updated by the appointed Contractor), the potential impacts of noise, dust and vibration on the surrounding area during the construction stage will be appropriately managed. Furthermore, it is the sincere intention of the Applicant to proactively engage with Dublin City Council throughout the construction stage in order to manage and minimise local disruption to Moore Street Market.

The proposed development has been carefully conceived having regard to the statutory planning context, to the specific context and character of the site and to the potential development at the surrounding regeneration areas. It has been subject of EIAR, Outline Construction & Demolition Management Plan, Construction & Demolition Waste Management Plan, and other relevant planning and environmental assessments.

The proposal currently before the Board has therefore been the subject of extensive and in-depth assessment by both the Applicant and Dublin City Council.

Both the Applicant and Dublin City Council concur that the proposed development will successfully achieve the rejuvenation of a significant brownfield site in Dublin City centre.

We do not consider that this Third Party Appeal raises any significant new issues that the Applicant and Planning Authority have not already comprehensively dealt with through the Planning Application process.

We would continue to maintain that the proposed development represents a well-considered design and layout that responds appropriately to context and is sympathetic to historic context and the ACA, neighbouring protected structures in terms building height, form and materials. No significant adverse planning impacts are predicted arising from the proposed development.

We trust that the Board will see fit to grant permission, with a life of 7 years, for the proposed development with appropriate associated conditions. This will include conditions relating to construction management, which will see the appropriate management of noise, dust and vibration during the construction phase.

STEPHEN LITTLE & ASSOCIATES