

File With _____

SECTION 131 FORM

Appeal NO: ABP-313947-22Defer Re O/H

TO:SEO

Having considered the contents of the submission ~~dated~~ received 22/08/2022
fromApplicant I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): no new material
issues raisedE.O.: Aisling KellyDate: 23/08/2022

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 313947-22M s whitePlease treat correspondence received on 22/08/2022 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>20</u> _____
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/CommentsApplicant response to appeals**4. Attach to file**

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☐
 Plans Date Stamped ☐
 Date Stamped Filled in ☐
EO: Aisling KellyAA: Sinead WhiteDate: 23/08/2022Date: 23-8-22

Eoin O'Sullivan

From: Michael O'Sullivan <michaelosullivan@sla-pdc.com>
Sent: Monday 22 August 2022 17:18
To: Appeals2
Cc: SLA Dublin Central; Bord
Subject: Response to ABP-313947-22
Attachments: 20035 CL DCP S5_1P Response to 3P Appeal Final 22082022.pdf; 20035 R DCP S5_1P Response to 3P Appeals_Final 22082022.pdf

Dear Sir / Madam,

We refer to your letter dated 25 July 2022 in respect of appeal reference ABP-313947-22, inviting a written response from the First Party by 22 August 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 Appeals.

Please find attached the Applicant's Response Report and Cover 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

t. 353-1-676 6507
e. michaelosullivan@sla-pdc.com
w. www.sla-pdc.com/



The SLA team have embraced hybrid working and continue to engage with our clients and colleagues in the industry through this new arrangement.

We value our team and are seeking to maintain / improve an appropriate Work / Life balance. As such, whilst it may suit us to respond on occasion, please do not anticipate a response to your email outside of normal working hours as the norm.

To ensure the most efficient use of resources, attendance at meetings will continue using various digital formats, including Microsoft Teams and Zoom.

DISCLAIMER--

This information transmitted in this email and any files transmitted with may be confidential. It is intended for the sole use of the addressee only. If you are not the intended recipient you are not authorised to read, copy or use the e-mail or any attachment. Stephen Little & Associates do not accept liability for, or permit, the creation of contracts on its behalf by e-mail, the publication of any defamatory statement by its employees by e-mail or changes subsequently made to the original message. This communication represents the originator's personal views and opinions that do not necessarily reflect those of Stephen Little & Associates.

Stephen Little & Associates do not accept liability for damage sustained as a result of malicious software (e.g. viruses). If you have received this e-mail in error, please notify the sender by return e-mail and then destroy it.

Stephen Little & Associates Ltd. trading as Stephen Little & Associates is Registered in Ireland No. 367533, and has its registered office at 26/27 Upper Pembroke Street, Dublin 2 D02 X361. Company Directors: Stephen Little (Managing), Melanie Little.

SLA

Stephen Little
& Associates

Planning
Report

Applicant's
Response to
Third Party
Appeals

Dublin Central
– Site 5

For Development
Comprising Office,
Restaurant / Café, and
All Associated &
Ancillary
Development.

At Nos. 22 – 25 Moore
Street and Nos. 13 –
14 Moore Lane, Dublin
1

For Dublin Central GP
Limited

AUGUST 2022

Document Control: -

Author	Checked by	Purpose	Date
NO'C	MO'S	Draft	05.08.2022
NO'C	MO'S	Final Draft	17.08.2022
NO'C	<i>Michael O'Sullivan</i>	Final	22.08.2022

TABLE OF CONTENTS

1	INTRODUCTION	1
2	SUMMARY OF RELEVANT BACKGROUND INFORMATION	3
2.1	SITE LOCATION & CONTEXT	3
2.1.1	Dublin Central Masterplan Area	5
2.2	LAND USE ZONING	5
2.3	STRATEGIC PLANNING POLICY CONTEXT	7
2.4	PROPOSED DEVELOPMENT.....	7
2.4.1	Summary of Amendment to the Proposed Development at Further Information Stage (19 October 2021)	7
2.4.2	Summary of Amendments to the Proposed Development at Clarification of Further Information Stage (29 April 2022).....	7
2.5	PLANNING APPLICATION & FURTHER INFORMATION RESPONSE MATERIAL	8
3	RESPONSE TO GROUNDS OF APPEAL	9
3.1	REQUEST FOR AN ORAL HEARING	10
3.2	ISSUED RAISED BY THE APPELLANTS RELATING TO SITE 3 & SITE 4	10
3.2.1	Letter of Consent from the Department of Housing, Local Government & Heritage Accompanying Site 4 Planning Application	10
3.2.2	Quality of Residential Development in Site 3 & Site 4	11
3.2.3	Department of Housing, Local Government & Heritage Submission on Site 3	11
3.3	ADDITIONAL GROUNDS / ISSUED RAISED	11
3.3.1	Conservation / Built Heritage / Protected Structures	11
3.3.1.1	Conservation Approach / Demolition	12
3.3.1.2	Protected Structures.....	14
3.3.1.3	O'Connell Street ACA.....	15
3.3.1.4	National Monument & Ministerial Consent	16
3.3.1.5	Extent of the National Monument	16
3.3.2	Design, Scale & Layout	17
3.3.2.1	Redesign by Condition	18
3.3.3	Proposed Uses.....	18
3.3.4	Sunlight and Daylight	19
3.3.5	Construction / Traffic Management.....	21
3.3.5.1	Duration of Permission	21
3.3.5.2	Traffic Data	22
3.3.5.3	Noise, Vibration & Dust	22
3.3.5.4	Traffic Management	23
3.3.5.5	Other Construction Related Issues	25
3.3.6	Archaeology	25
3.3.7	Impact on Market Traders	26
3.3.8	Planning Procedure (Multiple Planning Application, Scale Model, Letter of Consent)	27
3.3.8.1	Masterplan	27
3.3.8.2	Multiple Planning Applications.....	28
3.3.8.3	References in the Notices to the Scale Model.....	28
3.3.8.4	Letter of Consent	29
3.3.8.5	Land Ownership.....	29
3.3.8.6	Delay in Issuing the Notification of Grant of Permission	29
3.3.9	Alternative Proposals	29
3.3.10	Other Matters	30
4	POSITIVE ASSESSMENT OF THE PROPOSED DEVELOPMENT BY DUBLIN CITY COUNCIL	31
4.1	LAND-USE ZONING & MIX OF USES	31
4.2	DEMOLITION STRATEGY.....	31
4.3	SHOPFRONTS AND SIGNAGE	31
4.4	LANDSCAPING / PUBLIC REALM	31
4.5	OFFICE SPACE	32
4.6	COMPLIANCE WITH WIDER PLANNING POLICY	32

4.6.1	Density	32
4.6.2	City Economy	32
4.7	DRAINAGE	32
4.8	TRANSPORTATION	32
4.9	ARCHAEOLOGY	32
4.10	APPROPRIATE ASSESSMENT.....	33
4.11	ENVIRONMENTAL IMPACT ASSESSMENT (EIA)	33
5	CONCLUSION	34
6	APPENDIX A – LETTER OF SUPPORT FROM TRANSPORT INFRASTRUCTURE IRELAND	36

1 INTRODUCTION

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 submit this First Party Response to Third Party Appeals to An Bord Pleanála. It is made on behalf of the Applicant, Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576.

The content of this Report responds to a letter from An Bord Pleanála, dated 25 July 2022, inviting the Applicant to make a submission / observation in writing to the Board in relation to the following 8no. Third Party Appeals: -

- Cllr. Daithí Doolan on behalf of the Sinn Féin group on Dublin City Council, Richard O'Carroll Room, City Hall, Dublin 2.
- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Diarmuid Breatnach on behalf of save Moore Street from Demolition Campaign Group, 34 Geata an tSéipéil, Bóthar San Alfonsas, BÁC 9.
- James Connolly Heron on behalf of Relative of the Signatories of the 1916 Proclamation, 4 Oxford Road, Ranelagh, Dublin 6.
- Mary Lou McDonald TD, 58 Fassauga Ave, Cabra West, Dublin 7.
- Moore Street Preservation Trust, Ireland Institute, 27 Pearse Street, Dublin 2.
- Proinsias O'Rathaille on behalf of 1916 Relatives Moore Street Initiative, Altis, Ballinclea Road, Killiney, County Dublin.
- William Doran on behalf of Moore Street Traders Committee, 7 St. Mary's Road Ballsbridge, Dublin 4.

The strategic importance of the application site and this development for Dublin City in general cannot be overemphasised. The Applicant acknowledges that undertaking regeneration projects of significant scale within dense urban settings are complex and challenging with a broad array of considerations and constraints to be dealt with. However, it remains steadfast in the belief that the proposed development (Dublin Central Site 5) in conjunction with the wider vision of the Dublin Central Masterplan will see the sensitive, innovative and transformative rejuvenation of this area. The development area has been in critical need of regeneration for almost 26 years, first highlighted in the preparation of the O'Connell Street Integrated Area Plan in 1997.

Planning applications were made concurrently to Dublin City Council (DCC) for: -

- Site 5 (DCC Reg. Ref. 2863/21) – subject of this Third Party Appeal (and A First Party Appeal under ABP Ref. ABP-313947-22 – explained below),
- Site 3 (DCC Reg. Ref. 2861/21) – Currently subject to First and Third Party Appeals to An Board Pleanála (ABP Ref. ABP-312603-22),
- Site 4 (DCC Reg. Ref. 2862/21) – Currently subject to First and Third Party Appeals to An Board Pleanála (ABP Ref. ABP-312642-22).

A Masterplan for the entire Dublin Central site was prepared to provide the Planning Authority, prescribed bodies and the general public with a clear indication of the wider proposals for the area. The Masterplan is underpinned by the Dublin Central Masterplan Area Conservation Management Plan, prepared by Molloy & Associates Conservation Architects. As such, while separate planning applications have been made for individual sites within the Masterplan area, there is an obvious relationship between the sites.

DCC issued a notification of its decision to Grant Permission for the Site 5 proposal, on 23 June 2022, subject to 26no. conditions.

The Applicant submitted a First Party Appeal to the Board, on 20 July 2022, in respect only of Condition 5, which limits the duration of permission to 7 years (rather than 15 years as sought). The Applicant has otherwise warmly welcomed the decision of the Planning Authority to grant permission, which it considers is informed by reasonable planning judgement. The Applicant has submitted a First Party Appeal in relation to the duration of permission for Site 3 (DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22) and Site 4 (DCC Reg. Ref. 2862/21 – ABP Ref. ABP-312642-22) also to ensure that the anticipated construction programme for this significant city centre regeneration is adequately reflected in the duration of permission granted.

We respectfully submit that it is evident from the Planning Officer's Report that the issues raised in the Third Parties' submissions at application and further information stages (now appeals) were carefully considered, and that the Planning Authority has had due regard to these issues in making its decision. We do not consider that any new issues are now raised in the Third Party appeals which have not been appropriately assessed by DCC, or which would merit a reversal of its decision by the Board.

We would respectfully request that the Board upholds the decision of Dublin City Council to grant permission for the Site 5 development, with a duration of 15 years, in order to allow this strategically important development to proceed.

The Board will have access to the public planning file in this case. To avoid duplication, this Appeal Response Planning Report cross references to the relevant material already provided in the planning application file, where necessary and appropriate, rather than repeating it.

Detailed background information relating to the proposed development and relevant to this Third Party Appeal Response, including site and development descriptions and planning policy context, is provided in the Planning Application Report submitted to Dublin City Council at application stage on the 1 June 2021, as amended by Further Information on the 19 October 2022 and as further amended by Clarification of Further Information on the 29 April 2022.

Details of the in-depth pre-planning consultation with Dublin City Council, in respect of the Dublin Central project and Site 5 proposal, are summarised in Section 5 of the Planning Report submitted with the planning application, and in Section 4 of our Further Information Planning Report.

2 SUMMARY OF RELEVANT BACKGROUND INFORMATION

For the convenience of the Board, this Section provides a brief summary of the relevant background information that sets the context for the Applicant's response to the Third Party Appeals in this case. The Board will also have regard to the Council Planner's Report for further context. Where particularly pertinent to the issue being discussed, we quote extracts from the Planner's Report, but otherwise trust that the Board will have full regard to the Council's planning assessment of the proposed development.

We trust that the Board will also have full regard to the entire and extensive suite of material lodged with the initial planning application for Site 5, including the Environmental Impact Assessment Report (EIAR) and also the material lodged with the response to the Request for Further Information, including the Addendum to the EIAR. It is acknowledged that there is a significant volume of material in those submissions and that An Bord Pleanála will be considering this application in its entirety *de novo*. Consequently, we do not consider it helpful to the Board that we repeat all of this information. We will cross reference the relevant material where necessary, for the Board's convenience.

2.1 Site Location & Context

Site 5 measures c. 0.16 Ha (net site area). When additional works to provide a foul drainage line from O'Rahilly Parade to connect to the existing network on Parnell Street via Moore Street are included the gross site area is 0.18 Ha. It is generally bounded by Moore Street to the west, Moore Lane to the east, O'Rahilly Parade to the north and No. 21 Moore Street and No. 12 Moore Lane. Site 5 includes the following existing properties: -

- Nos. 22 – 23 Moore Street.
- Nos. 24 – 25 Moore Street.
- No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 – 3 O'Rahilly Parade and Nos. 14 – 15 Moore Lane or Nos. 1 – 8 O'Rahilly Parade and Nos. 14 – 15 Moore Lane).

This includes the site of the present Dublin City Council Depot. None of the existing buildings at Site 5 are 'Protected Structures', as currently listed or proposed for listing in the Record of Protected Structures contained in the Dublin City Development Plan. The site does not lie within the O'Connell Street & Environs Architectural Conservation Area (ACA).

Site 5 is currently occupied by existing buildings which vary from two to three storeys generally. Existing uses include retail and ancillary retail space, warehouse and workshops, and a depot for Dublin City Council street cleaning. The street frontages onto Moore Street accommodates retail units. The block is, however, also characterised by a high level of dilapidated building stock, underutilised or unoccupied upper floors on Moore Street, and entirely unused structures along Moore Lane frontage. Moore Street itself is characterised by the market with the ILAC Centre located directly to the west of Site 5. The following is a brief description of each group of buildings occupying the site: -

Nos. 22 – 23 Moore Street and No. 13 Moore Lane

Three-storey, five-bay brick and glass-fronted building. Each bay projects forward from the plane of the facade, with timber casement windows further dividing each pier. Built c. 1965 as a bingo hall, this structure retains a modern shop front at ground floor level and is an architectural outlier within the historic streetscape. The building extends back to Moore Lane and is a concrete structure with no evidence of earlier fabric visible. The building is currently vacant above an active retail unit at street level.

Nos. 24 – 25 Moore Street

Three-storey, three-bay, brick-fronted building with limestone quoins, frieze and blocking course framing facade. Brick is laid in a stretcher bond with a sawtooth course below frieze. Square-headed windows on upper floors are a mix of aluminium and uPVC timber casement windows.

Built in the 1990s in an overtly Neoclassical character, compared to the otherwise vernacular idiom of Moore Street. The building is currently occupied, hosting offices for Dublin City Council's street cleaning depot.

No. 14 Moore Lane

Vacant plot with the south boundary wall comprising a mix of calp limestone and brick remnants of demolished buildings. The vacant site is occupied by Dublin City Council street cleaning vehicles.



Figure 1: Extract from Google Earth showing Site 5 outline in red with wider Masterplan area outline in orange(indicative overlay by SLA).

2.1.1 Dublin Central Masterplan Area

Site 5 forms part of the wider envisaged Masterplan, the latter extending to c. 2.2 ha. The Masterplan almost entirely encompasses three urban blocks, bounded generally by O'Connell Street Upper and Henry Place to the east, Henry Street to the south, Moore Street to the west, and O' Rahilly Parade and Parnell Street to the north. Moore Lane extends south from Parnell Street through the centre of the Masterplan, as far as its junction with Henry Place.

The Applicant's rationale for making multiple applications for the component parts of Dublin Central have been set out in the Planning Application Report prepared by Stephen Little & Associates which accompanied the planning application.

2.2 Land Use Zoning

Under the Dublin City Development Plan 2016 – 2022, as may be seen from the zoning map extract below, the site is subject to the zoning objective, "Z5 – City Centre", in common with much of the city centre area in the immediate vicinity of the application site.

The land use objective for the Z5 zoning seeks: -

"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."

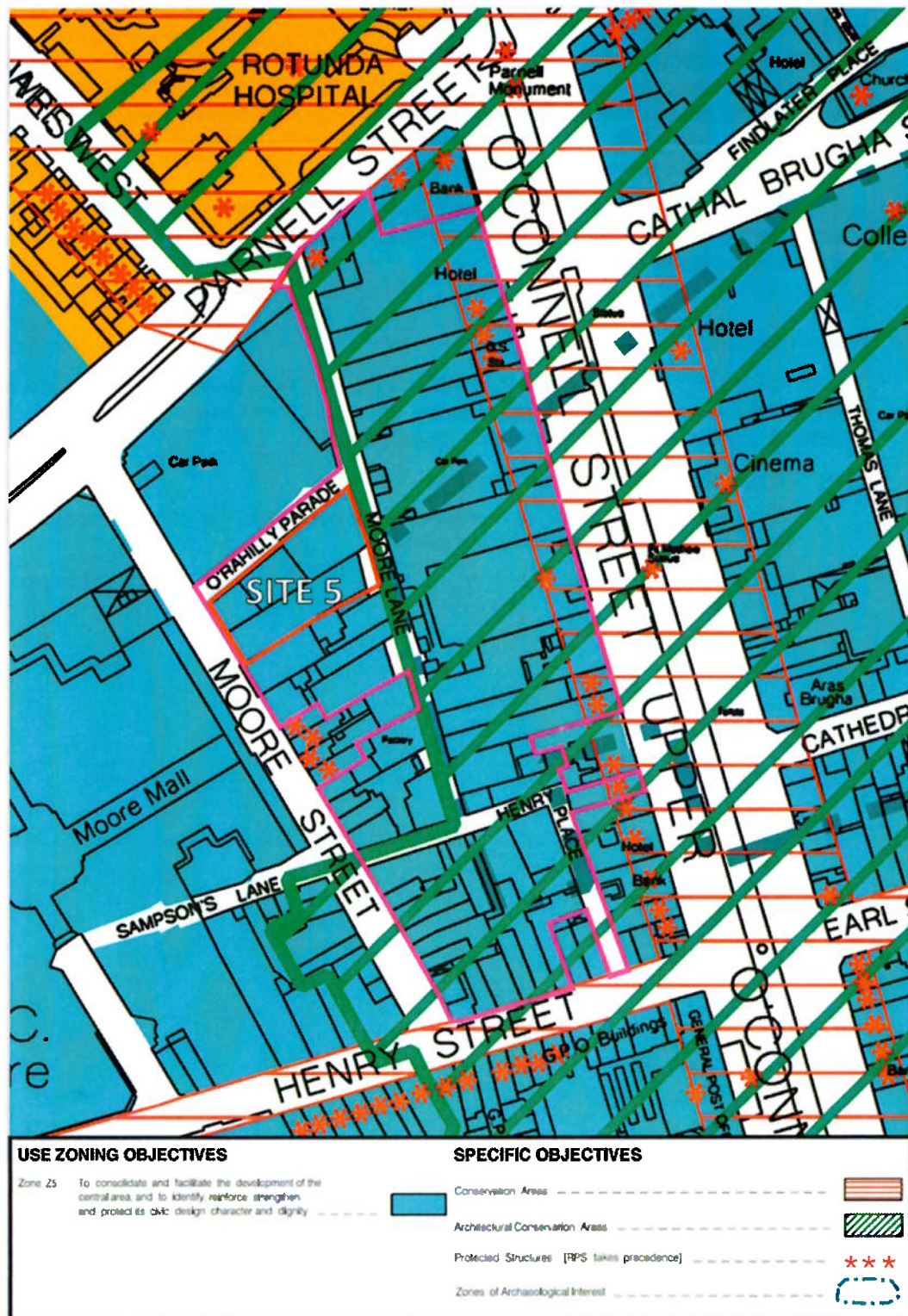


Figure 2: Extract from Map E of the Dublin City Development Plan 2016 – 2022 with Site 5 outlined in red and the Masterplan outlined in purple. There has been no change to the zoning map contained within Site 5 under the recently published Draft Dublin City Development Plan 2022 – 2028.

Site 5 comprises proposed office and café / restaurant uses, which are all permissible in principle under the Z5 zoning.

2.3 Strategic Planning Policy Context

The proposed development has been designed, and subsequently approved by the Planning Authority, in full accordance with the relevant strategic and statutory planning policy context.

We refer the Board to the Planning Report, prepared by Stephen Little & Associates, included with the Planning Application.

2.4 Proposed Development

The proposed development at Site 5 comprises a mixed-use scheme, which ranges in height from two to six storeys (top floor set back) over new single storey localised basement incorporating café/restaurant and office uses.

The development is briefly described as follows: -

- A mixed-use scheme in a single building (c. 6,478 sq. m gross floor area) ranging in height from 2 – 6 storeys (top floor set back) over single storey localised basement. The building includes office space (c. 5,753 sq. m) from 1st to 5th floor with office lobby at ground floor level, with 3 no. terraces at 2nd, 3rd and 5th floor respectively (c. 401 sq. m in total) addressing Moore Street and 3no. licenced restaurant / café units with takeaway / collection facility at ground floor (Unit 1 on Moore Lane & O’Rahilly Parade – c. 228 sq. m, Unit 2 on the proposed new public plaza – c. 271 sq. m and Unit 3 on Moore Street, O’Rahilly Parade and the proposed new public plaza – c. 179 sq. m), together with provision of a ‘delivery hub’ unit at ground floor level (c. 46 sq. m).
- All associated and ancillary site development, demolition, landscaping, site infrastructure and temporary works, including: -
 - Demolition of all existing buildings and structures on site (c. 2,312 sq. m).
 - Provision of part of a new public plaza (168 sq. m) and associated temporary works pending completion of the combined plaza with the concurrent planning application for the adjoining Site 4 immediately to the south (1,253 sq. m public plaza overall).
 - 58no. bicycle parking spaces at ground floor level with associated cycling welfare facilities.
 - Plant at basement and roof level.
 - Building signage zone and retractable canopies.
 - A surface water drainage pipe will be laid between Site 5 and existing services in Parnell Street and will be laid in O’Rahilly Parade and Moore Street.

2.4.1 Summary of Amendment to the Proposed Development at Further Information Stage (19 October 2021)

In addressing Items 1 – 6 of the DCC Request for Further Information, design amendments were made to the proposed development included: -

- Minor adjustments to the window arrangements of Nos. 22 – 25 Moore Street.
- Additional indicative detail of café / restaurant units fit out to demonstrate the ability to accommodate bicycle storage.

For the avoidance of doubt, no changes were required to the water services (foul, surface water and water supply) or landscaping arising from the request for Further Information.

2.4.2 Summary of Amendments to the Proposed Development at Clarification of Further Information Stage (29 April 2022)

No amendments were made to the proposed development at Clarification of Further Information Stage.

2.5 Planning Application & Further Information Response Material

We trust that the Board will note from the extent of material / assessment at Planning Application and Further Information stages, that considerable time and effort was expended by the Applicant to develop a suitable and sustainable development proposal for the site. This involved a complex interdisciplinary design approach involving the Applicant's core Design Team and other external experts. The strategic importance of the development site has been, therefore, clearly appreciated by the Design Team from the very outset and through the application stages.

As the Board will note from the material on file, the Planning Authority sought a physical model as part of the Request for Further Information in this case. This would have been a matter of public record at the time. Rather than submitting a model of Site 5 in isolation, the Applicant has provided the Planning Authority (and now An Bord Pleanála) with a model of the wider Dublin Central lands showing how the development proposals for each 'site' within the overall Dublin Central Masterplan relate to each other and to their current surroundings.

3 RESPONSE TO GROUNDS OF APPEAL

The Applicant has gone to great length to ensure that a comprehensive planning and environmental assessment of the proposal was provided to DCC. The Applicant's assessment strives to clearly demonstrate how the proposed development is compliant with the relevant statutory planning policy and the proper planning and development of the area. We are pleased to note from the Council Planner's Report, dated the 28 July 2021, its Clarification of Further Information Report, dated 13 January 2022, and the Council's favourable decision dated 28 June 2022, that the Planning Authority is satisfied that this is the case.

We would highlight that the concerns raised in Third Party submissions, and repeated in their appeals to the Board, have already been either addressed in the Planning Authority's assessment of the original Site 5 application, or in its assessment of the Applicant's Further Information response. Ultimately the Planning Authority was satisfied, when making its assessment and determination, that all issues raised were satisfactorily resolved. We would respectfully submit that no new issues are now brought to the Board in the Third Party Appeals.

Notwithstanding the above, in making this response to the Board, we have sought to identify all of the grounds of appeal, raised in the various Third Party Appeals, under the common themes identified below. We then provide our response to these issues.

Having carefully reviewed the content of the 8no. Third Party Appeals, our summary interpretation of the main grounds of appeal relate to the following topics: -

- Issues relating to Site 3 and Site 4: -
 - Letter of Consent from the Department of Housing, Local Government & Heritage accompanying Site 4 planning application.
 - Quality of residential development in Site 3.
 - Department of Housing, Local Government & Heritage Submission on Site 3.
- Additional issues raised: -
 - Conservation / Built Heritage / Protected Structures.
 - National Monument & Ministerial Consent.
 - Design, Scale & Layout.
 - Proposed Uses.
 - Sunlight / Daylight.
 - Construction / Traffic Management.
 - Archaeology.
 - Impact on Market Traders.
 - Planning Procedure (multiple planning application, scale model, letter of consent).
 - Alternative Proposals.
 - Other Matters.

We proceed to provide the Applicant's response to the Third Party grounds of appeal in the next sections.

We note generally that the Third Party Appeals have in some instances raised concerns that are inherently addressed by way of extensive research, presented in the planning application.

3.1 Request for an Oral Hearing

Before addressing the planning matters raised in the grounds of appeal, we acknowledge that a number of the Appellants have sought an Oral Hearing of this application. In response to this point we note that the absolute discretion to hold an Oral Hearing rests entirely with the Board.

We note that the Board has determined that an Oral Hearing is not required in the cases of Site 3 (DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22) and Site 4 (DCC Reg. Ref. 2862/21 – ABP Ref. ABP-312642-22). This was confirmed to this office by correspondence from An Bord Pleanála, dated 21 April 2022. We concur with the reasonable position taken by the Board in this matter.

Notwithstanding, it is entirely a matter for the Board as to whether an Oral Hearing would further assist its understanding of the issues pertaining to the Site 5 proposal. If the Board does form the view that an Oral Hearing is required, the Applicant will, of course, participate and assist in this process, as required.

3.2 Issued Raised by the Appellants Relating to Site 3 & Site 4

A number of the Third Party Appellants have raised matters which relate to Site 3 (DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22) and / or Site 4 (DCC Reg. Ref. 2862/21 – ABP Ref. ABP-312642-22).

To ensure all matters are comprehensively addressed the following sections address grounds more generally associated with Site 3 and Site 4. Given the interrelated nature of the Dublin Central Masterplan we consider it prudent to address overarching issues for the benefit of the Board.

In submitting their Third Party Appeals on Site 5 the Appellants have raised a number of additional grounds also which are addressed in Section 3.3 below.

3.2.1 Letter of Consent from the Department of Housing, Local Government & Heritage Accompanying Site 4 Planning Application

James Connolly Heron on behalf of the Relatives of the Signatories of the 1916 Proclamation asserts that the letter of consent provided by Department of Housing, Local Government and Heritage is “*formal approval*” which “*undermines the independence of the Minister in consideration of Ministerial Consent*”.

No. 18A Moore Street (i.e. approximately half the structure, flanking the National Monument) is under the ownership of the Department of Housing, Local Government and Heritage. Proposals for No. 18A Moore Street were included within the Site 4 application with the consent of the Department of Housing, Local Government and Heritage (as landowner) following a period of design co-ordination.

It was incumbent on the Applicant to engage with the Department of Housing, Local Government and Heritage (the adjacent landowner) to co-ordinate the design of any proposed structure adjacent to the National Monument. Also, to seek the relevant letter of consent to accompany the planning application, which is required under the Planning & Development Regulations 2001.

We would point out that the letter of consent provided by the Department of Housing, Local Government and Heritage includes a final paragraph which states that: -

“For clarity, both authorisations above are given entirely without prejudice to the discharge of the Department’s and/or Minister’s statutory functions, including the granting or withholding of consent under section 14 of the National Monuments Act 1930 (as amended), and as a consultee under the Planning and Development Acts.”

We refute any suggestion that the current or future Minister’s role in the Ministerial Consent process (a separate function to the planning permission process) is undermined by its issuing of a letter of consent, which simply enables the Applicant to validly make the application.

3.2.2 Quality of Residential Development in Site 3 & Site 4

Mary Lou McDonald raises concerns regarding the quality of the residential unit provided and states that that no provision is made for social and affordable housing.

The Planning Authority expressed its satisfaction that the proposed residential units, proposed in both Site 3 and Site 4, were generally in accordance with the provision of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020.

In relation to Part V, a Part V Proposal accompanied the Planning Applications for Site 3 and Site 4 respectively and these have been accepted, without prejudice, by the Planning Authority at this stage of the process. A Part V Condition was then attached to the respective Notification of Decision to Grant Permission, issued 12 January 2022. Consequently, the Applicant has and will appropriately meet its Part V obligations.

These matters have been comprehensively addressed in the First Party response to that Third Party Appeal submitted to An Board Pleanála on 14 March 2022 under DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22 (Site 3) and DCC Reg. Ref. 2862/21 – ABP Ref. ABP-312642-22 (Site 4) respectively.

3.2.3 Department of Housing, Local Government & Heritage Submission on Site 3

Mary Lou McDonald and The Moore Street Preservation Trust submit that the Department of Housing, Local Government & Heritage submission was ignored in the context of the **Site 3 planning application** (DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22). This has been comprehensively addressed in the First Party response to that Third Party Appeal submitted to An Board Pleanála on 14 March 2022.

Notably, the Planning Authority acknowledged the submission made by the Department of Housing, Local Government & Heritage in **relation to Site 5** which is summarised in the Planner's Report as "*no objection subject to conditions being imposed*". A number of conditions have been included in the Notification of Grant of Permission reflecting the conditions recommended by the Department of Housing, Local Government & Heritage in relation to National Monument and archaeology. The Applicant is committed to adhering to these conditions of the permission.

3.3 Additional Grounds / Issued Raised

The following sections of this Report respond to additional grounds raised by the Appellants, as listed above in Section 1 of this Report, which are considered specific to Site 5. Some of the other issues raised are not specific to Site 5, including a number which we respectfully consider not to be planning matters. Notwithstanding, for completeness, we set out our response to each new / additional ground of appeal below.

3.3.1 Conservation / Built Heritage / Protected Structures

A number of Third Party Appeals have raised concerns regarding the approach to conservation and built heritage and it has been alleged that these have not been taken into consideration. The main concerns raised relate to: -

- Assessment of the historical significance of existing buildings.
- The historic context / special setting of the area has not been taken into consideration.
- The extent of demolition and the loss of built heritage.
- Impact on the O'Connell Street Architectural Conservation Area (ACA) and the extent of the ACA.
- Reports on Nos. 10 – 25 Moore Street (buildings forming part of a number of motions by Members of Dublin City Council).

3.3.1.1 Conservation Approach / Demolition

From the outset, we would highlight that the Applicant, Dublin Central GP Limited, has employed the expertise of a wide ranging design team, including significant input from conservation specialists, Molloy & Associates Conservation Architects¹.

The Dublin Central project has been the subject of extensive new conservation research and analysis by Molloy & Associates Conservation Architects. This has informed the approach to both the Masterplan by way of Conservation Management Plan and the Site 5 proposal. The research and analysis by Molloy & Associates Conservation Architects of the buildings and setting of Site 5 has been extensive and has informed its Architectural Heritage Impact Assessment and the EIAR. The content of these assessments includes: -

Architectural Heritage Impact Assessment

- Introduction.
- Baseline Description.
- Statutory Protections.
- Historical Backgrounds.
- Statement of Significance (definition of significance and assignment per building).
- Development of Description (description of proposed works including conservation and repair works).
- Architectural Heritage Impact Assessment.
 - Part 1 – Consideration of statutory and non-statutory architectural heritage protection.
 - Part 2 – Anticipated singular and collective assessment of impacts.
- Summation.
- Appendices.
 - **A5.1: Conservation Plan & Appendices.**
 - A1 Archaeology and Cultural Heritage.
 - A2 Building Inventory, Description and Assessment.
 - A3 Historic Urban Landscape Assessment.
 - A4 The Urban Battlefield.
 - A5 Building Fabric Analysis Volume 1.
 - A6 Building Fabric Analysis Volume 2.

¹ Archive and field research / recording and documentation carried out by Rob Goodbody BA(Mod), DipEP, DipABRC, MA, MUBC, MIPI and Sunni Goodson BA, Msc Conservation of Historic Buildings, HNC Interior Design.

Historic Urban Landscape Assessment by Dr. John Olley BEng, PhD.

Forensic Archaeology comprising the analysis of mortar and masonry by Dr. Jason Bolton MA, MIAI, PhD.

Findings collated and opinions provided by Conservation Architects: -

Maol Íosa Molloy B.Arch., BSc.Arch., MUBC, Dip.Arb., MRAI, RIBA, MCI.Arb., Grade 1 Conservation Architect.

Michael O'Boyle B.Arch., MUBC, FRIAI, Grade 1 Conservation Architect.

Shelley O'Donovan B.Arch., PGDip., MRAI, RIBA accredited Conservation Architect, Grade 2 Conservation Architect.

- **A5.2:** Chronological Drawings.
- **A5.3 – 5.5:** Building Inventory (Individual Buildings within Site 5).
- **A5.6:** Impact Assessment of the Public Realm.

EIAR Chapter 15: Cultural Heritage (Architectural)

- Assessment of the potential impact on architectural heritage for the Masterplan and Site 5 and cumulative development as appropriate.

Extensive structural survey and construction methodology work has been carried out by Murphy Surveys and Waterman Structural Engineers to ensure that the extent of existing buildings and basements to be retained and demolished is understood. All buildings proposed to be retained will be appropriately propped and supported during the construction phase.

The proposed development at Site 5 includes the demolition of all existing buildings on the site (c. 2,312 sq. m gfa). The analysis by Molloy & Associates Conservation Architects concludes that there are no buildings of architectural heritage significance within Site 5, and no buildings dating from the events of The Easter Rising.

To the south of Site 5, the wall of No. 14 Moore Lane built from the calp stone will be taken down by hand and stored for re-use within Site 4. It is acknowledged in the Architectural Heritage Impact Assessment, prepared by Molloy & Associates Conservation Architects that, whilst the wall of No. 14 Moore Lane was in existence in 1916, the wall did not form part of the 1916 narrative. The demolition of the industrial building once occupying this now vacant plot in the mid-20th Century has resulted in the loss of meaning / purpose associated with the wall, thus its significance is diminished.

It is suggested by Colm O'Murchu, James Connolly Heron on behalf of Relatives of the Signatories to the 1916 Proclamation and Proisias O'Rathaille on behalf of 1916 Relatives Moore Street Initiative that a new conservation assessment should be undertaken. Molloy & Associates Conservation Architects set out within the Architectural Heritage Impact Assessment the statutory mechanisms associated with the site (i.e. no building listed on the RPS, nor is the site located within the O'Connell Street ACA). The Architectural Heritage Impact Assessment goes on to set out how the authors have approached the assessment of significance in response to the specific characteristics of the site. Reference is also made as to how ICOMOS Conservation Charters inform the assessment.

Furthermore, in terms of understanding the historic setting of the areas, studies including the 'Historic Urban Landscape Assessment' by Dr. John Olley BEng, PhD has informed the overall Dublin Central Masterplan and Site 5 proposal (Refer to A5.1: Conservation Plan & Appendices).

The Planning Authority expressed itself to be satisfied that the strategy for proposed demolition across the site had been thoroughly investigated and justified. We note the conclusion of the Planner's Report that: -

"Nos. 22, 23 Moore Street / 13 Moore Lane is a replacement building that was constructed in c.1965 and is a concrete structure with no evidence of earlier fabric visible, while Nos. 24, 25 Moore Street / No. 14 Moore Lane is a replacement building that was constructed in the 1990s. To the rear of the building is a large yard that extends as far as Moore Lane, and the enclosing boundary comprises a galvanised steel railing which is of no conservation interest. Accordingly, no objections are raised to the proposed demolition of the existing buildings. The survival of the historic boundary wall between Nos. 23 and 24 is noted and was considered to be of moderate significance. Its loss, albeit regrettable, is deemed acceptable. ..."

[Bold Font Emphasis by SLA]

The Conservation Department, while expressing some regret at the loss of existing plot delineation, acknowledges the balanced need for regeneration and reuse in this area. It is noted that: -

"... the re-animation of this site, which has suffered from lack of investment, general deterioration, underuse, poor presentation, and where the back lanes have become associated with anti-social behaviour and neglect, is welcomed and supported in principle by the Conservation Section."

[Bold Font Emphasis by SLA]

The Conservation Officer considers the demolition of Nos. 22 – 25 Moore Street to be acceptable. Regarding the proposed demolition of the historic boundary wall, her Report recommends: -

"The proposed demolition of Nos. 22, 23, 24 and 25 Moore Street is of little consequence in architectural heritage terms, other than the aspects of sustainability, and the final loss of any references to the original historic plots and urban grain of the street. The demolition without any legibility of the remains, albeit currently in poor condition and piecemeal in nature, of the historic boundary wall between Nos. 23 and 24 is regrettable, and this wall should be fully recorded in drawn and photographic format and the materials salvaged and reused within repairs to existing buildings or in landscaping where appropriate."

[Bold Font Emphasis by SLA]

As per Condition 15 (e)(ii) of the Notification of Grant of Permission, the Applicant is committed to preparing a drawn and photographic survey record of the boundary wall between Nos. 23 and 24, and for its salvage and re-use within repairs to existing buildings or in the landscaping if possible.

We note the Conservation Appraisal, prepared by James Kelly of Kelly & Cogan Architects included in the third party appeals lodged by James Connolly Heron on behalf of the Signatories of the 1916 Proclamation and the Moore Street Preservation Trust. The conservation appraisal asserts that there has been a failure to identify or acknowledge 18th Century within Site 5 (and Site 4). We refute this claim.

Molloy & Associates Conservation Architects, the Conservation Architects for Site 5 (and the Dublin Central Masterplan), are satisfied that their desktop research coupled with detailed on-site investigations have more than adequately identified 18th Century fabric as illustrated in the planning application documentation. Kelly & Cogan's own research indicates *"a considerable number of structures in some instances dating back to the 1760's and in all cases pre-dating the Easter Rising survive on Moore Street, Moore Lane and in some instances the rear halves of the existing plots on O'Connell Street west."*

Figure 1 and Appendix A of the Conservation Appraisal, prepared by James Kelly of Kelly & Cogan Architects, is the basis for this statement regarding the extent of surviving 18th Century fabric. It is considered that Figure 1 of the Conservation Appraisal is highly misleading as a graphic in relation to the extent of 'surviving original fabric'. It is noted that the entirety of each of the plots, including the rear sites facing Moore Lane, were included within the curtilage on the bases that no inspection of the curtilage and attendant lands were possible. The sites (shaded in blue) therefore were defined on the bases of its 1773 curtilage in Scale's Map. The graphic does not distinguish the extent of 18th Century fabric, it merely indicates that some fabric (extent undefined) survives. Molloy & Associates Conservation Architects presented similar (not identical) findings and were similarly cautious regarding the potential to uncover earlier internal fabric. Post detailed internal examination, features of historic significance were identified and incorporated into the proposed development which was subsequently granted planning permission by DCC.

It has been demonstrated that the subject site is not considered historically sensitive and we trust An Bord Pleanála can readily determine this to be the case from the content of the material provided by the Applicant and its team in relation to this matter. It is also our firm conviction that the proposed development strikes a reasonable and appropriate balance between the need to respond positively to the architectural built and cultural heritage associated with the adjoining sites, whilst also delivering implementable urban renewal at this strategic city centre site.

We refer the Board to detailed analysis of the heritage context and impact of Site 5 as detailed in the architectural heritage reports prepared by Molloy & Associates Conservation Architects, which accompanied the Planning Application.

3.3.1.2 Protected Structures

A number of the Third Party Appeals have referred to the lack of assessment of buildings within the subject site which are to be added to the record of Protected Structures. Multiple references are made in the Third Party Appeals by Daithí Doolan on behalf of the Sinn Féin Group on Dublin City Council, Mary Lou McDonald TD and the Moore Street Preservation Trust to motions of members of Dublin City Council to add buildings to the Record of Protected Structures. It is asserted that by virtue of these motions that the buildings are deemed to have that protection. We would refute such an assertion.

We refer to Figure 2 above, which is an extract from Map E of the Dublin City Development Plan 2016 – 2022. It is respectfully submitted that there are no Protected Structures identified at Site 5 on the zoning map or listed in the current Dublin City Development Plan RPS. We would further note that the Draft Dublin City Development Plan 2022 – 2028 which has recently been on public display does not include any new additions to the RPS within Site 5. As such, notwithstanding the arguments presented by the Appellants as listed above, in this instance, the buildings in question within Site 5 are neither Protected Structures nor are they Proposed Protected Structures. Certain structures within the wider Dublin Central Masterplan site are now proposed to be added to the Record of Protected Structures. None of those are within Site 5. Other structures, including within Site 5 have been investigated for their potential to be the subject of such a proposal, but those are not, as a matter of fact or law, a Protected Structure or proposed for addition to the record.

As set out in the assessment carried out by Molloy & Associates Conservation Architects and acknowledged by the Planning Authority, there are no buildings of architectural heritage significance within Site 5.

3.3.1.3 O'Connell Street ACA

Similar arguments are made by a number of the Third Parties that by virtue of votes by elected members to extend the boundary of the O'Connell Street & Environs Architectural Conservation Area (ACA) to include Site 5 that this has been deemed to have occurred. We would also refute that assertion.

The impact of the Dublin Central development on the O'Connell Street ACA has also been raised by Colm O'Murchu, James Connolly Heron on behalf of Relatives of the Signatories to the 1916 Proclamation and the Moore Street Preservation Trust. In the first instance we note that Site 5 is outside the ACA. However, a comprehensive assessment of the impact on the proposed development on the ACA was submitted with the Planning Application.

This included an assessment of the building height of the proposed development within the context of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

The Planning Application was also accompanied by Landscape and Visual Impact Assessment (EIAR Chapter 12: Landscape & Visual Impact Assessment), prepared by ARC Architectural Consultants. The LVIA generally noted that on the O'Connell Street axis in relation to Sites 3, 4 and 5, visual impact is likely to range from 'none' to 'imperceptible', and becoming 'slight' to 'moderate' at locations near the Spire and the GPO and from Marlborough Street looking west up Cathedral Street. It is noted in the LVIA that Site 5 will not be visible from any of the O'Connell Street views and so will have no impact on the O'Connell Street ACA. The Planning Authority did not raise any concern in relation to the robustness of the LVIA.

It is respectfully submitted that the Site 5 development, as proposed, is a fully considered and justified proposal, which meets all of the requirements of the proper and sustainable planning of the area, include adherence to architectural conservation principles. We refer the Board to the following Reports that accompanied the Planning Application and which are important in understanding how Site 5 has been conceived, considered and further refined in order to ensure that it will make a positive contribution to the architectural and civic design quality in this context: -

- Architects Design Statement, prepared by ACME Architects, provides an in-depth analysis of the site and surrounding historic and existing context, which has informed the architectural design of Site 5.
- Architects Design Statement – Further Information Response, prepared by ACME Architects, provides response to the Further Information request from DCC
- Conservation Plan and Architectural Heritage Impact Assessment, prepared by Molloy & Associates Conservation Architects, which respectively describe the existing built environment at Site 5 and consider the impact of the proposed building on the architectural heritage and setting of the site and its surroundings.
- EIAR Chapter 15: Cultural Heritage (Architectural), prepared by Molloy & Associates Conservation Architects.

- EIAR Chapter 12: Landscape and Visual Impact Assessment, prepared by ARC Architectural Consultants, which includes a visual impact assessment of Site 4, having regard to the pattern of change and to the existing historic and urban landscape that characterises the site location.

3.3.1.4 National Monument & Ministerial Consent

A number of Third Party Appeals, including the appeals made by James Connolly Heron on behalf of Relative of the Signatories of the 1916 Proclamation and the Moore Street Preservation Trust, raise concerns regarding works in proximity to the National Monument. Furthermore, these appeals highlight that no reference is made to the requirement for Ministerial Consent.

The National Monument is located at Nos. 14 – 17 Moore Street. The National Monument is **not within** the Site 5 application site.

As set out in the Planning Application Report (Section 6.4), prepared by Stephen Little & Associates, it is acknowledged in that, in line with the provisions of the National Monuments Act, 1930 (as amended), any development that alters the National Monument, or disturbs the ground around or in proximity to it, will require the appropriate Ministerial Consent under Section 14 of that legislation.

Ministerial Consent is a separate process and will be entered into prior to any works to or adjacent the National Monument. Again, for the avoidance of doubt, no works are proposed to or adjoining the National Monument at Site 5.

The Site 5 site enabling works and construction are not directly adjacent the National Monument. However, careful consideration has been given to the protection of the National Monument as set out in the Site 5 Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers in this respect and have been assessed and considered in the EIAR.

Prior to demolition of any existing buildings, an external survey control system is to be established around the site, including all protected structures, retained buildings, retained facades and the National Monument. This will be carried out using traditional closed traverse surveying techniques and will involve the setting up of sufficient external control stations to allow monitoring of the neighbouring structures during and after demolition.

We respectfully submit that no works are proposed to or immediately adjacent the National Monument as part of the proposed redevelopment of Site 5. All necessary measure to protect the National Monument during the construction phase of Site 5, including demolition and enabling works, will be implemented. As such, no adverse impacts are anticipated to the integrity of the National Monument.

3.3.1.5 Extent of the National Monument

Nos. 14 – 17 Moore Street is a National Monument in State ownership and care, which is subject to a preservation order (PO) made under the National Monuments Acts 1930 to 2014 (PO No. 1/2007). In addition to this designation, it is also listed in the Record of Monuments and Places (RMP DU018-390) and in the Record of Protected Structures in the Dublin City Development Plan 2016 – 2022 (RPS Nos. 5282 – 5285).

It is submitted by the Moore Street Preservation Trust and in the Third Party Appeals associated with Site 3 and Site 4 that the High Court has defined the extent of the National Monument as encompassing the battlefield beyond Nos. 14-17 Moore Street (*Moore v. Minister for Arts, Heritage and the Gaeltacht* [2016] IEHC 150). However, it should be duly noted that the Court of Appeal subsequently set aside the High Court ruling, finding that it was not within the jurisdiction of the courts to designate a national monument (*Moore v. Minister for Arts, Heritage and the Gaeltacht* [2018] IECA 28, pars. 46 – 49 and 61 – 65).

As such, the extent of the National Monument is as set out under PO No. 1/2007.

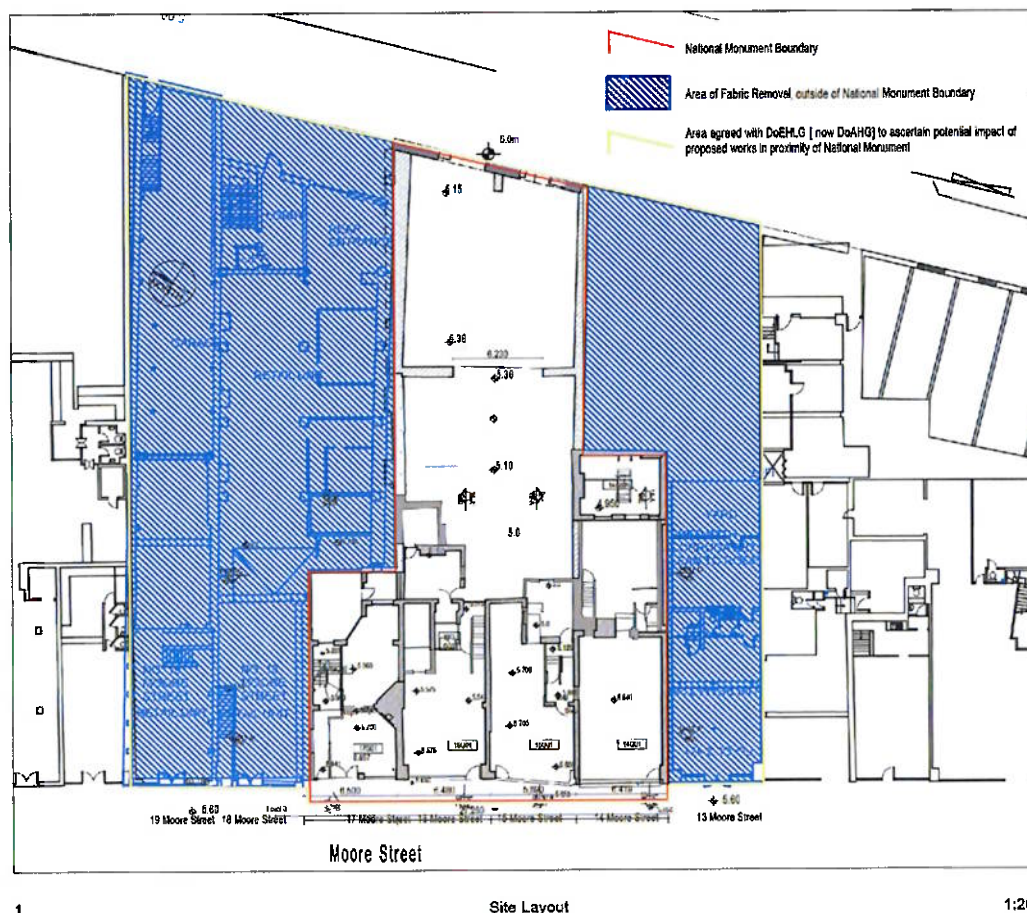


Figure 3: Delineation of the National Monument as including proximity zone under the existing Ministerial Consent (C392).

3.3.2 Design, Scale & Layout

A number of Third Party Appeals have raised concerns that the design, scale and layout of the proposed development is out of context, in particular in the context of the National Monument (Nos. 14 – 17 Moore Street).

In accordance with Section 16.7.2 of the Development Plan, the Planning Authority expressed itself satisfied that the development proposal is compliant with the relevant height standards pertaining to the site.

Furthermore, the Planning Authority identifies that the greatest impact of the proposal would be from within the immediate vicinity of the site, where there will be a significant degree of change. It is noted that whilst *“it is considered however that a significant degree of change does not necessarily equate to a negative impact. In this instance it is considered that the proposed development, in terms of height and massing would be in keeping with the existing and developing built context and does not give rise to an unacceptable or overbearing impact upon the adjoining development.”* [Bold Font Emphasis by SLA]

In relation to the appearance, architectural design, and layout, the Planning Officer generally concludes that: -

“The new structure is very much a contemporary modern office building which is noted to be a step change from the standard historical redbrick finishes used throughout development in the locality. It is however considered this contrast, clearly distinguishing new interventions from historic. Accordingly, it is considered that the proposed development is unlikely to have a detrimental visual impact.”

[Bold Font Emphasis by SLA]

In relation to layout and design, the Planning Officer generally concludes that: -

"..the Planning Authority is satisfied that the proposed development is sufficiently setback from and is of an appropriate scale ..."

[Bold Font Emphasis by SLA]

We refer the Board to the ACME Architectural Design Statement, submitted at planning application stage, which provides a clear illustration and description of the site context at Site 5. We also refer to the contextual elevations, prepared by ACME Architects submitted at further information stage which show the Site 5 proposal in the context of Sites 3 and 4. To the west of Site 5 the building follows the small scale urban fabric of Moore Street and rises to 3 and 4 storeys. The heights onto Moore Street make a gradual transition to the building height set across O'Rahilly Parade by the Jurys Inn.

We respectfully submit that the design and scale of Site 5 respectfully responds to the site characteristics and context and will make a significant positive contribution to the rejuvenation of the Moore Street area.

3.3.2.1 Redesign by Condition

It is contended by The Moore Street Preservation Trust that the conditions attached will *"ensure that the scheme is overwhelmingly reliant on the completion of the design through planning conditions."*

The Notification of Decision to grant permission attached 26no. conditions, the majority of which are standard conditions including but not limited to agreement of materials and finishes (including the public realm), shopfront details, details relating to the use of various commercial units (opening hours, ventilation etc.).

The only condition to which the Appellant seems to be referring is Condition 6 of the Notification of Decision which seeks revision to the design of the elevation onto O'Rahilly Parade with particular focus on active street frontage. The imposition of such a Condition is reasonably common in our professional opinion, where the principle of the proposal is accepted but where specific design resolution remains and is dealt with in this manner. We would be satisfied that the wording of the Condition meets the criteria for a Condition in that it is clear, precise, related to the development in question and is reasonable, but would invite the Board to satisfy itself in that regard also. Furthermore, the imposition of Condition 6 goes some way to addressing the concerns raised by The Moore Street Preservation Trust in relation to the 'activation' of O'Rahilly Parade.

Notwithstanding, the contention that Site 5 will be radically altered by redesign through the conditions attached to the Notification of Decision to grant permission is without foundation in our professional opinion.

3.3.3 Proposed Uses

A number of the Third Party Appeals have raised concerns regarding the uses proposed within Site 5, in particular, the extent of office floor space proposed including Diarmuid Breatnach on behalf of Save Moore Street from Demolition Campaign Group and the Moore Street Preservation Trust. Site 5 is proposing café / restaurant uses at ground floor with office use above. It is submitted that the proposed café / restaurant use will contribute to the night-time economy as well as activate and add vibrancy to Moore Street and the proposed public square.

We would highlight that the Planning Authority considers the mix of uses proposed to be appropriate to this site, having regard to the site context and the Z5 (City Centre) land use zoning objective. The Planner's Report states: -

"Taking into account the dilapidated and underutilised nature of the subject site, it is considered that the proposed development on the Z5 lands is acceptable in principle, contributing to the provision of office accommodation with the area and is considered an appropriate use for the site."

[Bold Font Emphasis by SLA]

Site 5 comprises office and café / restaurant uses, which are all permissible in principle under the Z5 zoning.

We refer the Board to the Dublin Central – Commercial Rationale Report, prepared by JLL submitted at planning application stage. The report finds a long term positive outlook for the Dublin 1 office market. Acknowledging the impact of COVID-19, the Report notes that future office demand is likely focus on the quality of spaces and location, where enticing the workforce into buildings will be dependent on accessibility, ease of commute and access to wider amenities.

We would highlight that the Planning Authority considers the mix of uses proposed to support the City economy objectives of the Dublin City Development Plan. The Planner's Report states: -

"In terms of the economic benefit of the proposed development, Policy CEE3 seeks to take a positive and pro-active approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth. In compliance with Policy CEE11 the development will facilitate the supply of commercial space whilst Policy CEE15 will facilitate the transformation of an inner city area to improve the attractiveness and competitiveness of the city. The rehabilitation and use of vacant and underutilised buildings, including their upper floors is promoted through Policy CEE16 whilst Policy CEE18 specifically references the unique importance of the Moore Street Market and seeks to ensure its protection, renewal and enhancement, in co-operation with the traders as advocated by the Moore Street Advisory Committee Recommendation relating thereto. Overall, the proposed development will provide a comprehensive redevelopment of the wider masterplan area bringing a number of underutilised buildings into use through a diverse scheme of demolition, adaptive reuse as well as façade retention thus broadly complying with these overarching policies."

[Bold Font Emphasis by SLA]

The scheme is representative of plan-led, high-quality urban and architectural design, which seeks to achieve the sustainable regeneration of an underutilised brownfield site. We respectfully submit that Site 5, delivers an appropriate mix of uses, both vertically and horizontally, with street activating café / restaurant at ground floor level, complemented by office use at upper floors, increasing activity across the site and wider area. Site 5 will make a positive contribution to addressing an improved business environment and employment generation at this site.

3.3.4 Sunlight and Daylight

A number of the Third Party Appeals, including Colm O'Murchu, Diarmuid Breatnach on behalf of save Moore Street from Demolition Campaign Group and Moore Street Preservation Trust, consider that the Daylight and Sunlight assessment carried out by the Applicant is insufficient / flawed.

The Planner's Report, dated 12 January 2022, generally outlines that the issues raised by the Planning Authority at Further Information stage had also been satisfactorily addressed, with the exception of one element of the daylight impact analysis pertaining to the existing apartments at the junction of Moore Street / Parnell Street north of the application site.

The Planning Authority expresses itself to be otherwise satisfied that sunlight impact analysis of these apartments has been adequately addressed by the Applicant noting that: -

"Adjoining residential properties:

The applicant team has provided a sunlight assessment, which considers the impact on the residential dwellings situated on the corner of Moore Street and Parnell Street. The submitted assessment encompasses all the windows and private amenity spaces of the units facing Moore Street and 5 of the assessed windows would experience reductions on Annual Probable Sunlight Hours (APSH) below the BRE recommendations, as a result of the proposed development at Site 5.

Of the windows that did not meet the BRE Guidelines, it is noted that these windows are set back into the building envelope of the existing building and in the pre development scenario these windows received relatively low levels of sunlight. Having reviewed the submitted report, the Planning Authority concurs that there would be no noticeable loss of sunlight to the Moore Street apartments as a result of the proposed development of Site 5. It is therefore considered that the proposed development is acceptable in this regard."

[Bold Font Emphasis by SLA]

The Planning Authority also considered, on balance, that the sunlight impact on the adjoining Jurys Inn Hotel and O'Rahilly Parade is acceptable.

The Planning Officer's Report goes on to consider the following in respect of daylight impact assessment: -

"Impact on the levels of daylight received by the surrounding properties:

The applicant team has not provided an assessment of the potential reduction on the levels of daylight to the residential properties located on the corner of Moore Street and Parnell Street. It is considered that the acceptability of the proposed development cannot be determined until this information has been provided.

Considering the location of the subject site and the proximate relationship with the adjoining properties, it is considered vital that an assessment of the impact on the daylight levels received by the adjoining residential properties is required to be fully assessed in order to establish the acceptability of the proposed development.

In this regard it is considered that the applicant should be afforded the opportunity to provide the requested information through the provision of a full daylight analysis. This issue could be dealt with by way of a request for clarification of the additional information provided."

DCC sought Clarification of Further Information of this singular item on 12 January 2022.

We refer the Board in the first instance to the Site 5 Daylight and Sunlight Impact Report, prepared by BDP M&E Consulting Engineers, submitted in response to the Clarification of Further Information request. This assesses the potential impact on the apartments located at the junction of Moore Street and Parnell Street.

Sunlight

All the windows and private amenity spaces of the identified units facing Moore Street have been assessed. All but 5 no. windows show no impact on Annual Probable Sunlight Hours (APSH) as a result of the proposed development at Site 5. The Report generally concludes with regard these units that: -

"The Sunlight analysis found that generally there is no 'noticeable' loss of sunlight to the Moore Street apartments post development of site 5. Less than 6% of the sunlight to windows (5 of 91) are impacted if the BRE 209 methodology (2011) is used and the impact on average is just 80 hours of sunlight over a full calendar year. The existing context, north easterly orientation of these windows and existing balcony overhangs are the reason why Site 5 exceed the sunlight criterion threshold and this would not occur if the windows were within 90° of due south and the BRE 209 guidance was applied as it was intended."

Daylight

It is important to note how the BRE 209 Guidelines are intended to be implemented in response to this particular item. The BRE 209 guidance document recommends that loss of sunlight should be checked for main living rooms of dwellings, where they have a window facing within 90° of due south. **The apartments located on the junction to Moore Street / Parnell Street are within this definition** as the they are northeast facing (135° of due south).

Notwithstanding, the updated assessment, prepared by BDP M&E Consulting Engineers, also now considers vertical sky component (VSC). Based on the BRE 209 guidance, the study compares the current situation and development of Site 5 and considers if the values on the existing buildings (apartments located on the junction to Moore Street / Parnell Street) post development are above 27% or not less than 0.8 times their former value. The Report generally concludes, with regard to these units, that: -

"The Daylight analysis found that with the exception of two windows the daylight analysis criterion is complied with demonstrating that the daylight impact post development is very minor and 89 of the 91 assessed windows (98%) shall not have a noticeable loss of daylight. The 2 windows that do not comply with the recommendations of BRE 209 guide (2011) have a vertical sky component (VSC) loss of just 2.71% (L01-C) and 2.65% (L02-C) which is very minor and only flagged as failing the daylight criterion because it represents over 0.2 times their former value. The daylight loss is therefore overstated due to the existing context, north easterly orientation and existing balcony overhangs the windows pre development receive."

The Planner's Report, dated 28 June 2022, states that the daylight and sunlight assessment is satisfactory following the Clarification of Further Information response, noting that: -

*"... it is considered that this issue has been addressed and that, having regard to the existing urban context, the proposal would **not result in any unacceptable impacts in respect of daylight.**"*

[Bold Font Emphasis by SLA]

As such, it is respectfully submitted that daylight and sunlight assessment presented as part of the Site 5 planning application is robust and comprehensively addresses potential impacts on adjoining properties and streets.

3.3.5 Construction / Traffic Management

A number of Third Party Appeals object to the development on grounds relating to construction and traffic management including appeals submitted by Colm O'Murchu and Daithí Doolan on behalf of the Sinn Féin Group on Dublin City Council, Mary Lou McDonald TD and the Moore Street Preservation Trust. We address these appeals as follows.

3.3.5.1 Duration of Permission

Permission with a life of 15 years is sought for the proposed development at Site 5. The following is explained for context, and without making any elaboration on the pending First Party Appeal. We refer the Board to the letter of support received from Transport Infrastructure Ireland (TII) enclosed as Appendix A. The letter confirms the use of Site 5 to access the station box as part of the forthcoming Railway Order Application for the MetroLink Project during its construction and fit out and is fully supportive of the duration of permission sought (15 years). Although Site 5 is capable of being developed independently, without reliance on final wider road and public realm works, it is also expected to become a seamlessly integrated part of the Masterplan.

Whilst it is not expected that a 15 year construction period will be required, demolition of Site 5 will be needed early on to accommodate construction access to the Masterplan Area. Therefore the permission will be commenced early on, but actual construction will not commence until the other Sites are completed. As such, some reasonable flexibility on the duration of the life of the Site 5 permission is sought, beyond the more typical 5 year permission period.

Both Diarmuid Breatnach on behalf of Save Moore Street from Demolition Campaign Group and William Doran on behalf of Moore Street Traders Committee reference the potential for extending the lifetime of the permission under Section 42 of the Planning & Development Act 2000, as amended. It is our professional planning opinion that the provision to extend the lifetime of a planning application can only be available in certain limited circumstances (i.e. where *substantial works* have been carried out). Notwithstanding, this is an intolerable risk for the Applicant given the complexity of what is the regeneration of an significant city centre site, in particular with recent changes to legislation² where the requirement for either an Environmental Impact Assessment or Appropriate Assessment for the extension is a basis to refuse an extension of duration.

This matter has been comprehensively addressed in the First Party Appeals in relation to the duration of permission for Site 3 (Condition 28: DCC Reg. Ref. 2861/21 – ABP Ref. ABP-312603-22 refers), Site 4 (Condition 3: DCC Reg. Ref. 2862/21 – ABP Ref. ABP-312642-22 refers) and Site 5 (Condition 5: DCC Reg. Ref. 2863/21 – ABP Ref. ABP-313947-22 refers).

The Applicant has otherwise warmly welcomed the decision of the Planning Authority to grant permission, which it considers is informed by reasonable planning judgement. We refer the Board to the First Party Appeal lodged as this provides further justification of why a permission of 15 years is sought.

² Planning & Development Act 2000 (as amended) – Inserted (9.09.2021) by European Union (Planning) (Habitats, Birds and Environmental Impact) Regulations 2021 (S.I. No. 456 of 2021), reg. 2(a)(ii), in effect as per reg. 1(2).

3.3.5.2 Traffic Data

The Traffic and Transportation Assessment (TTA) was prepared at a time when Covid-19 was having a very significant impact on the movement of people due to restrictions imposed to reduce the spread of Covid. In this regard for the purpose of preparing the TTA information on traffic flows from traffic surveys, which were carried out in the surrounding area, was obtained from various sources.

These surveys were carried out at various times between 2006 and 2020 with the more recent surveys being carried out by Transport Infrastructure Ireland (TII) on 17 May 2018 and by Dublin City Council (DCC) on 4 February 2020. A review of the available data indicated that the DCC traffic counts carried out on 4th February 2020 (just before the onset of Covid-19) were the most appropriate for use in the modelling as they represented the most accurate traffic data available. All modelling was undertaken using the February 2020 traffic counts. Whilst reference is made to historic surveys carried out as part of the Luas cross city project these were reviewed and considered not suitable for use.

3.3.5.3 Noise, Vibration & Dust

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 5 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 19 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 23 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.

3.3.5.4 Traffic Management

The Moore Street Preservation Trust contend that alternative construction access can be facilitated from O'Connell Street via the vacant plot (Nos. 41 – 57 O'Connell Street Upper).

We refer the Board to the Preliminary Construction Traffic Management Plan (PCTMP), prepared by Waterman Moylan Consulting Engineers, which accompanied the Planning Application. This was done in close consultation with Dublin City Council and its Roads and Transportation Departments.

It may be noted that the Preliminary Construction Traffic Management Plan provides a guide as to how construction traffic will be managed as part of any construction works. The final detailed Construction Traffic Management Plan will be prepared by the appointed Contractor for agreement with Dublin City Council at the appropriate time. It is normal practice that the Construction Traffic Management Plan is a live document, which is updated throughout the construction period to take account of any changes to the surrounding road network and / or other factors that might influence construction traffic. An appropriate condition (Condition 19) has been attached to the Council's decision to this effect.

In the PCTMP two construction routes to the site have been identified both to Parnell Street. One would be via Summerhill and Parnell Street and the second preferred route via Dorset Street and Dominick Street Lower as shown in Figure 4 below. At pre-planning stage, the Planning Authority noted that construction access via O'Connell Street would be very challenging, in particular due to disruption to public transport facilities in proximity to the Masterplan site and thus not favourable.

Traffic and other movements on the road network during the construction phase will be managed by carrying out the works in a number of stages to a sequence to be prepared in conjunction with Dublin City Council and implemented by the main Contractor.



Figure 4: Emerging Haul Routes for Construction Traffic (Inbound in green and outbound in red) – See Chapter 13: Material Assets (Transportation) also.

As such, the two alternative scenarios of access via Parnell Street were developed in detail, based on clockwise and anti-clockwise circulation around the block bounded by Moore Street, O'Rahilly Parade and Moore Lane.

The preferred option is the anticlockwise circulation included the local traffic management proposals presented in Figure 4 above. Inbound access for the majority of construction vehicles is proposed from

Parnell Street to Moore Street / O'Rahilly Parade and outbound departures from Moore Lane to Parnell Street. This preferred option was selected on the basis of a number of local constraints including: -

- The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane should there be a delay entering Moore Lane for whatever reason.
- The restricted width of the left turn from Parnell Street around Conway's public house into Moore Lane which could cause delays due to the slow deliberate turning for vehicles across a busy restricted area.
- The relatively easy right (and left) turns from Parnell Street to Moore Street.
- The availability of a stacking area for the right (and left) turns from Parnell Street into Moore Street.
- Local traffic management on Moore Lane would require the presence of temporary traffic signals and / or flagmen at different locations and at different times to facilitate vehicles passing depending on the movements in progress.

Arrivals are proposed from Parnell Street via Moore Street and O'Rahilly Parade. Some limited departures are proposed to O'Connell Street Upper via Henry Street up to 11h00 after which Henry Street is restricted to pedestrians only. The remaining departures are proposed to Parnell Street via Moore Lane.

Traffic and other movements on the road network during the construction phase will be managed by carrying out the works in a number of stages to a sequence to be prepared in conjunction with Dublin City Council and implemented by the main Contractor.

Dublin City Council Roads Streets & Traffic Department Road Planning Division, in its Report to the Planning Department identifies that: -

"Extensive consultation occurred prior to the submission of this application with the Roadworks Control Division in order to ascertain the potential construction traffic routes for the proposed development. It is acknowledged however, that subject to the appointment of a contractor, a revised construction traffic management plan will be required to be approved and this is subject to ongoing reviews and consultation with the Roadworks Control Division during the demolition and construction stages."

[Bold Font Emphasis by SLA]

As noted previously, on the appointment of a contractor, the PCTMP will be updated and the full details of the arrangements for construction traffic routes at all stages of demolition and construction agreed with Dublin City Council at the appropriate time (Condition 19 of the Notification of Grant of Permission by DCC). This is normal practice as the Construction Traffic Management Plan will be a live document that will be updated throughout the construction period and to take account of any changes to the surrounding road network or other factors that might influence the construction traffic.

The PCTMP will form the basis for the development of the more detailed Construction Traffic Management Plan which is to be prepared by the appointed Contractor who will be undertaking the works. In accordance with normal procedure, the appointed Contractor will be required to develop the final Construction Traffic Management Plan in consultation with Dublin City Council. As noted above, a Construction Traffic Management Plan is a live document that needs to be constantly monitored and where necessary adjusted to respond to the local traffic conditions at the time of the works. In this regard there will be more intense periods of construction traffic movements depending upon the activity on site and the time of year. The contractor who will be appointed to undertake the works on this project will be a Tier 1 contractor who has extensive experience in managing construction traffic to / from restricted City Centre construction site. They will work closely with the local residents / businesses to ensure that any disruption arising from the construction traffic and indeed other construction works is minimised. The contractor will appoint a Liaison Officer (LO) as a point of contact for the local residents and businesses. The LO will keep local residents and businesses informed on a regular basis as the development is progressed and will address any issues that might arise.

3.3.5.5 Other Construction Related Issues

The Moore Street Preservation Trust raise a number of additional issues in relation to construction phase and construction traffic. These are addressed as follows: -

Management of Construction Traffic

Access to Greg Court Car Park, together with access to businesses within the immediate surroundings of the proposed development will be managed by the appointed contractor. Access will be maintained throughout the construction works.

It is not intended to stack lorries on the streets surround the development. It is intended that there will be a staging area located somewhere remote from the site where lorries can wait, without causing obstruction or nuisance, until they are called in by radio. This would be a normal procedure for large city centre development sites where space for lorries is restricted.

The provision of a suitable staging location and controlled construction deliveries to site will ensure that the proposed one-way route at Moore Street will not impact upon the LUAS or impede access to the Rotunda Hospital. As part of the preparation of the planning application a meeting was held with DCC and TII (representing LUAS) to review the development proposals with a view to ensuring that they would not impact upon the operation of the LUAS particularly during the construction stage of the project.

Temporary Junction Widening

Temporary Junction widening is proposed to facilitate larger vehicles accessing the site. Whilst the junctions are being widened, pedestrian facilities are being retained to ensure the safe passage of pedestrians. The detailed Construction Traffic Management Plan, to be prepared by the appointed contractor, will ensure that clear designated pedestrian routes are provided throughout the construction works.

Pedestrianisation

It is proposed that Moore Lane and Henry Place will be pedestrianised as part of the overall Dublin Central development. This will be done when the construction works are **completed** and will operate like Henry Street. It is not intended to pedestrianise Moore Street / O'Rahilly Parade from 11am.

3.3.6 Archaeology

The Third Party Appeal submitted by The Moore Street Preservation Trust object to the development on grounds relating to archaeological impact. They state that Site 5 is within the Zone of Archaeological Interest in the Dublin City Development Plan 2016 – 2022. They state: -

"Furthermore the Council's consultant indicates that 18th/19th-century structure (basements, foundations, cobble surfaces etc.) are likely to survive subsurface on this site and that the subsurface remains of the 18th Century brickfield found to the North of Site 5 (Recorded monument DU018- 020506) may extend into the development site. It is also possible that earlier archaeological features survive under the upstanding buildings as Viking Age skeletal remains were found in proximity to Site 5."

It is further stated that the extent of the basement is not considered within the EIAR for Site 5 and that planning permission should not be granted until a survey of the historic street surfaces is completed.

We note from Zoning Map E of the Development Plan that the eastern corner of Site 5 near a Zone of Archaeological Interest (See Figure 2 above). The wider Dublin Central masterplan area then lies to the south of a possible Viking cemetery (RMPDU018-020495), to the north of what was the precinct of St Mary's Cistercian Abbey (RMP DU18-02048), and an 18th century brickfield (RMP DU018-020506) is identified to the west.

We refer the Board to the enclosed Archaeological Impact Assessment and EIAR Chapter 15: Cultural Heritage (Archaeological), prepared by Courtney Deery Heritage Consultancy. The assessment is fully cognisant of the impact presented by the proposed basement as detail on the Architectural Drawings, prepared by ACME Architects and within the Subterranean Construction Method Statement and Structural Report, prepared by Waterman Structures Ltd. for Site 5. The Report / EIAR generally concludes that there will be a direct impact on any subsurface archaeological features that might be encountered during earthmoving works within Site 5. It is recommended by way of mitigation that all excavation associated with Site 5 is monitored by a suitably qualified archaeologist. The EIAR Chapter include a suite of standard mitigation measure to be implemented.

The Department of Housing, Local Government and Heritage in its submission on the Planning Application noted that they are satisfied with the approach to archaeology and recommended condition be applied to any grant of permission.

The Planning Authority considers the issue of archaeology to have been adequately addressed.

Given that Site 5 is already developed, it is not possible to carry out subsurface archaeological testing prior to the opening up or demolition of the existing buildings. Permission is required to condition such further investigation on site. As such, Condition 16 of the Notification of Grant of Permission by DCC will ensure the appropriate archaeological resolution of Site 5.

The Third Party Appeal suggests that a comprehensive survey of historical street surfaces would need to be completed before any possible planning permission. A GPR survey was carried out to define the extent of surviving historic street surfaces. The survey identified a considerable survival of stone setts along Moore Lane and O'Rahilly Parade and the complete absence of stone setts on Henry Place. A baseline record survey of the visible stone setts and kerbstones was also provided. The surveys estimated that approximately 690sq. m of surviving setts are beneath the present surface. It was concluded that the historic street surfaces are unlikely to present as a consistent and uniform pavement but rather as patchy areas with areas of disturbance in between with many damaged setts. It is proposed in the Site 2 planning application that stone setts will be consolidated within the landscaping proposals to provide a continuous visual appearance and a safe pedestrian surface. A detailed methodology of the lifting, transport, storing and reinstatement of the setts will be submitted to the Planning Authority for prior approval. As such, Condition 15(e)(i) and (ii) of the Notification of Grant of Permission by DCC will ensure the submission of a method statement for written agreement from the Planning Authority prior to the commencement of development.

3.3.7 Impact on Market Traders

Colm O'Murchu, Daithí Doolan, on behalf of the Sinn Féin Group on Dublin City Council, Diarmuid Breatnach on behalf of save Moore Street from Demolition Campaign Group, The Moore Street Preservation Trust and William Doran on behalf of Moore Street Traders Committee, object to the development on grounds that the proposed development will have significant effects on the Moore Street Markets and local business owners.

Issues are raised regarding the impact of construction related impacts such as noise, vibration, dust and traffic. This has been discussed in Section 3.3.5 above. Any significant redevelopment of the site will give rise to some construction nuisance effects. Subject to the implementation of best practice construction mitigation such nuisance will be controlled as far as practically possible.

The Applicant has met the Moore Street traders on numerous occasions prior to making the planning application, 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 Moore Street Traders raise concerns regarding the nature of the conditions attached in the Council's Notification of Decision to Grant Permission. It is contented that the Condition relating to the Moore Street Traders is generic and difficult to enforce.

It must be acknowledged that any significant redevelopment of Site 5 will result in some level of nuisance during the construction process, given its restricted urban, city centre site context. However as per Condition 14 of the Notification of Grant of Permission, the Applicant is committed to participating in that process under the leadership of Dublin City Council as the owner and licensor of the street market.

3.3.8 Planning Procedure (Multiple Planning Application, Scale Model, Letter of Consent)

A number of Third Party Appeals object to the development on grounds of procedural issues during the planning application process. We address these appeals as follows.

3.3.8.1 Masterplan

Daithí Doolan on behalf of the Sinn Féin Group on Dublin City Council and The Moore Street Preservation Trust have suggested that the Applicant's overall intentions are unclear. We respectfully submit that that is simply not correct. We appreciate that there was a significant volume of material presented with this application and it may have been missed by some parties due to this.

At Section 1.5 of the Planning Application Report prepared by Stephen Little & Associates we set out an *Application Documents and Wayfinding* so as to assist all parties in navigating the material being submitted and to make it easier for interested parties to identify the document(s) of most interest to them. The following is the key extract from Section 1.5: -

*"There are two suites of documents being submitted with this planning application. The first relate to the **Dublin Central Masterplan**. The second relate to the development proposed at Site 3 of the **Dublin Central Masterplan**.*

*The material enclosed with regard to the **Dublin Central Masterplan** are enclosed for information purposes with this planning application in order to demonstrate to the Planning Authority and to interested third parties and prescribed bodies how the proposals for Site 3 sit within the wider proposals by the Applicant for this significant urban regeneration project.*

The suite of material accompanying the Site 3 proposals are that for which permission is now being sought. For clarity and to assist the reader, the documents relating to the Site 3 development are set out under Section 1.5.2 below.

1.5.1 **Dublin Central Masterplan and Site-wide Plans and Particulars**

1. *Masterplan Design Statement, prepared by ACME Architects.*
2. *Masterplan Schedule of Accommodation, prepared by ACME Architects.*
3. *Masterplan Landscape Planning Report & Drawings, prepared by GrossMax Landscape Architects.*
4. *Masterplan Conservation Plan, prepared by Molloy & Associates Conservation Architects.*
5. *Masterplan Servicing Strategy Report, prepared by SWECO Engineering Consultants.*
6. *Overall Development Transport Assessment – Volume 3, prepared by Waterman Moylan Consulting Engineers Limited.*
7. *Preliminary Construction Traffic Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
8. *Masterplan Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
9. *Overall Development – Basement Impact Assessment, prepared by Waterman Structures Limited.*
10. *Scenario Testing & Design Development Report, prepared by Space Syntax."*

It is evident from the above quote, and also from the material on file that the proposals by the Applicant for the combined Dublin Central project were set out very clearly as part of the planning application.

3.3.8.2 Multiple Planning Applications

A number of the Third Party Appeals raise concerns that the submission of multiple planning applications concurrently has been confusing and makes it difficult to interpret the full scale of the combined projects.

The Planning & Development Act 2000 (as amended) does not preclude an Applicant from submitting more than one planning application at one time. It is not uncommon practice. The Applicant has been fully transparent with its future proposals within the wider masterplan area. It has submitted an EIAR and Appropriate Assessment Screening, amongst other assessments, with the Planning Application that considers the individual and cumulative / in-combination effects of the project.

The Applicant has been forthright with the rationale for taking the approach of submitting separate Planning Applications for the individual sites within the Dublin Central Masterplan. This was comprehensively explained in the Planning Application Report, prepared by Stephen Little and Associates, which accompanied the Planning Application. The key factors are: -

- Phasing and construction constraints.
- Viability – The ability to secure planning for individual blocks allows maximum flexibility to adapt funding streams if required. It also means changes in the market can be more readily absorbed if one phase were to be delayed for any unforeseen reasons (including any prolonging of the current pandemic, or other delays outside the Applicant's control).
- The ongoing discussions between the Applicant and Transport Infrastructure Ireland (TII) regarding TII proposals to deliver a proposed Metrolink Station in the area below ground in Site 2 which will necessitate Metro Enabling Works (MEW) to be undertaken by the Applicant.

Being able to progress the development in individual stages within the Masterplan area means that the risk of delay on one site can be absorbed and progress can be made on other elements that can proceed independently.

The Planning Application was received and validated by the Planning Authority in accordance with the requirements of the Planning and Development Act 2000 (as amended) and associated Planning and Development Regulations 2001 (as amended).

3.3.8.3 References in the Notices to the Scale Model

A number of the Third Party Appeals raise concerns that the Significant Further Information Notices, did not expressly state that a scale model had been produced and was on display in Dublin City Council office.

In response, we respectfully submit that there is no such requirement in the Planning & Development Regulation 2001, as amended, to make statements to this effect. The Significant Further Information Notices were set out in accordance with Schedule 3, Form No. 4 of the Planning & Development Regulation 2001, as amended.

The Significant Further Information response was received and validated by the Planning Authority in accordance with the requirements of the Planning and Development Act 2000 (as amended) and associated Planning and Development Regulations 2001 (as amended).

We would also comment that it was a matter of public record for many months that the Planning Authority had requested a physical model in this case as part of the Request for Further Information. As such, it is unreasonable to imply that Third Parties would not have been aware of the scale model. Furthermore, as the Board will see from correspondence on file, many of the Third Parties did in fact make further submissions to the Planning Authority on foot of the statutory notices being published / erected and had clearly reviewed the material on file. That material clearly pointed to the fact a model was submitted in this case.

3.3.8.4 Letter of Consent

It is contended by James Connolly Heron on behalf of Relative of the Signatories of the 1916 Proclamation and The Moore Street Preservation Trust that the appropriate consent was not provide for works with the public roadway.

The Site 5 proposal includes works on both O'Rahilly Parade and Moore Street to provide drainage infrastructure. Two letters of consent were provided by DCC dated 20 April 2021 and 25 May 2021 respectively and formed part of the suite of documents submitted to DCC as part of the planning application on 1 June 20221.

3.3.8.5 Land Ownership

The Moore Street Preservation contend that the lands which are under the control of the Applicant have not been arcuately illustrated on the planning drawings as per the requirements of the Planning & Development Regulations 2001, as amended.

The Applicant, Dublin Central GP Limited, has indicated all lands under their control on the Site Location Map submitted with the planning application as per the requirements of Article 22 of the Planning & Development Regulations 2001, as amended. As such, there is no basis to the issued raised by the Appellant on this basis.

3.3.8.6 Delay in Issuing the Notification of Grant of Permission

A number of the Third Party Appeals raise concerns regarding the time in which it took for DCC to issue the Notification of Grant of Permission resulting in less than 4 weeks being available to make a submission. Ultimately, this is a matter for DCC to address.

Notwithstanding, we respectfully submit that the statutory date for the DCC decision (23 June 2022) would have been known in advance to all interested parties and that the Notification of Grant of Permission was made available online on DCC's planning portal within 2no. days of said decision (as required under the Section 38 of the Planning & Development Act 2000, as amended).

3.3.9 Alternative Proposals

A number of Appellants including Colm O'Murchu, Mary Lou McDonald TD, and The Moore Street Preservation Trust objects to the development on grounds that, in their opinion, more suitable alternatives should be considered for the development of the general Moore Street area.

The proposed development (Site 5) within the context of the Dublin Central Masterplan will see the redevelopment and rejuvenation of lands broadly bound by Moore Street, Henry Place and Henry Street.

The Applicant has put forward a proposal for development following c. 24 months of detailed and constructive engagement with the Planning Authority culminating in a Notification of Grant of Permission by DCC on 28 June 2022.

The Planning Authority has assessed the proposal put in front of it by way of a Planning Application under Section 34 of the Planning & Development Act 2000, as amended. It has considered the 'Alternatives' in Chapter 4 of the EIAR that accompanied the Planning Application.

It must be noted that the Applicant has employed an experienced multi-disciplinary team in developing its proposals considering all complexities within its context, across the Masterplan area as well as within the subject site itself. Primary design considerations such as heritage and architectural considerations have underpinned the Site 5 proposal. These are in addition to but not limited to design consideration relating to servicing and waste management strategies, fire access, disabled access, pedestrian movement, public transport, public safety, anti-terrorism, security and sustainability.

It is noted that many Third Parties have described alternative concepts, but none of those are reasonable alternatives, in the sense contemplated by the EIA Directive or Irish planning law. None of them are feasible, or deliver the transparent objectives for the regeneration of the site. The Applicant has made a planning application in this case on lands they own and it is that development which An Bord Pleanála is being asked to assess.

3.3.10 Other Matters

A number of Appellants including Daithí Doolan on behalf of the Sinn Féin Group on Dublin City Council, Diarmuid Breatnach on behalf of Save Moore Street from Demolition Campaign Group, James Connolly Heron on behalf of Relatives of the Signatories to the 1916 Proclamation, Proinsias O'Rathaille on behalf of 1916 Relatives Moore Street Initiative and The Moore Street Preservation Trust have raised a number of other items / issues. These can be summarised as follows:-

- Alleged conflict of interest in the planning process by DCC Executive.
- Compensation process for Market Traders was arbitrary / not sufficient.
- On-going enquiries relating to Member(s) of the board of An Bord Pleanála.
- Registration of ACME Architects at the time of making the Planning Application.
- The disposal of Nos. 24 & 25 Moore Street by DCC (the appropriate letter of consent was submitted with the Site 5 planning application to include these lands).

We note the additional matters raised by the Appellants. However, we submit that the above listed items are not planning matters, and in particular are not relevant to the proper planning and sustainable development of the area, and as such will not be addressed in this appeal response.

4 POSITIVE ASSESSMENT OF THE PROPOSED DEVELOPMENT BY DUBLIN CITY COUNCIL

The preceding section of this Report set out the ground of appeal raised by the various Third Party Appellants. Where relevant we have identified the positive assessment of the Planning Officer and other DCC Department in responding to the issues raised within our responses.

For the information of the Board, we identify below the further positive attributes of the proposed development, as assessed by the Planning Authority.

4.1 Land-Use Zoning & Mix of Uses

The Planning Authority considers the mix of uses proposed are appropriate having regard for the zoning objective of the site (Z5 – City Centre).

Regarding the uses proposed, the Planning Authority state that: -

*“Taking into account the dilapidated and underutilised nature of the subject site, it is **considered that the proposed development on the Z5 lands is acceptable in principle**, contributing to the provision of office accommodation with the area and is **considered an appropriate use for the site.**”*

[Bold Font Emphasis by SLA]

A number of Third-Party Submissions raised concerns regarding the concept of a day-to-night area the Planning Authority do not consider this an issue. Furthermore, Fáilte Ireland in making a submission on the planning application noted the mix of uses proposed will strengthen the night-time economy.

“The provision of extensive public realm enhancements and new public spaces in the city centre will support animation and increase dwell time. This will increase the destination’s ability to maximise the economic benefits across multiple sectors including tourism.”

4.2 Demolition Strategy

The Planning Authority considers the proposed demolition acceptable, raising no objections to the proposed demolition of the existing buildings.

Some concerns are raised by An Taisce regarding the demolition and replacement of the redbrick and limestone Moore Street building frontage between the corner of Henry Street and Henry Place.

In relation to the demolition proposed, the Conservation Officer generally concludes that: -

*“...the **proposed demolition of Nos. 22, 23, 24 and 25 Moore Street is of little consequence in architectural heritage terms**, as the existing buildings are 20th century replacements.”*

[Bold Font Emphasis by SLA]

4.3 Shopfronts and Signage

The Planning Authority generally considers the shopfronts and signage proposals to be acceptable, noting that: -

*“Overall, the proposed design intention is **considered to be of a high quality and worthy of support.**”*

[Bold Font Emphasis by SLA]

The Applicant would welcome a condition of permission that requires the full design details of the shopfronts to be submitted prior to the commencement of the use of each unit.

4.4 Landscaping / Public Realm

The Planning Authority is satisfied that the landscaping strategy for the site has been appropriately considered.

4.5 Office Space

The Planning Authority generally considers the proposed office space acceptable, stating that: -

“...the proposal would add to the stock of available office space in the city centre and likely generate new employment in the area. As a direct result of the proposed redevelopment of the subject site the envisioned increase in footfall, vibrancy and functionality is also likely to have a significant economic benefit for the local area and the city.”

[Bold Font Emphasis by SLA]

4.6 Compliance with Wider Planning Policy

4.6.1 Density

The Planning Authority considers the proposed density acceptable, “given the central location of the site and the height of surrounding buildings combined with numerous public transport facilities in close proximity and the lands could be considered an underutilised site a higher plot ratio is considered acceptable in this instance.”

4.6.2 City Economy

The Planning Authority generally concludes that the proposed development has been robustly assessed against Development Plan policies furthermore stating: -

“...the proposed development will provide a comprehensive redevelopment of the wider masterplan area bringing a number of underutilised buildings into use through a diverse scheme of demolition, adaptive reuse as well as façade retention thus broadly complying with these overarching policies.”

[Bold Font Emphasis by SLA]

4.7 Drainage

No objection from the Drainage Department subject to conditions.

4.8 Transportation

The Transportation Department has no objections to the non-provision of car parking at the subject site. Clarification was sought in the form of revised drawings to ensure the provision of adequate separation distance and roof height to accommodate the cycle parking. Furthermore, clarification was sought regarding the management and access to the bicycle store.

The Transportation Department considered that the clarification provided as part of the Applicant's Further Information response was acceptable.

4.9 Archaeology

The Planning Authority considers the issue of archaeology to have been adequately addressed and no significant adverse effect is likely to arise.

Conditions requested by the Department of Housing, Local Government and Heritage are noted and welcomed by the Applicant.

4.10 Appropriate Assessment

The Planning Authority expresses itself satisfied that the information set out in the Applicants Appropriate Assessment Screening Report is satisfactory that development does not have the potential to affect the receiving environment and does not have the potential to affect the conservation objectives of any European site, either alone or in combination with any other plan or project.

4.11 Environmental Impact Assessment (EIA)

The Planning Authority considers that *"the majority of environmental effects arising as a consequence of the proposed development have been satisfactorily identified and assessed."*

Condition 23 attached to the grant of permission ensures that the EIAR mitigation measures will be adhered to in the implementation of the permitted development.

5 CONCLUSION

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.

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

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

We do not consider that the Third Party Appeals to have raised any significant new issues that the Applicant and the Planning Authority have not already comprehensively dealt with through the Planning Application, Further Information and Clarification of Further Information process.

It remains our opinion that the proposed development is compliant with the Government and Dublin City Council policy guidance on strategic regeneration development in city centre locations. This includes the policies, objectives and design standards for mixed-use development in close proximity to several public transport nodes, to cater for a recognised demand for residential, retail, retail service, hotel and cultural uses.

We 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 or long term environmental effects are predicted arising from the proposed development.

Subject to consideration also of our First Party Appeal relating to the duration of permission, we trust that the Board will see fit to uphold the Council's decision to grant permission for the proposed development. This is appropriate on the grounds that: -

- Site 5 represents an exceptional opportunity to provide a development that will act as a catalyst for the regeneration of O'Connell Street and will result in a radical, empathetic and positive impact upon the social and economic framework of the north inner city.
- Site 5 is located on a prominent site from a citywide perspective.
- Site 5 successfully integrates existing built fabric of architectural and cultural heritage interest with contemporary and innovative design.
- Site 5 complies with the zoning objectives of the site, delivering a vibrant sustainable mixed-use regeneration at a highly accessible, brownfield site in the city centre, while also making a positive architectural contribution in the context of the surrounding conservation area and neighbouring protected structures.
- The Site 5 design approach achieves optimum use of an underutilised site, which has its own inherent constraints. The proposal will contribute to the reinvigoration of this neglected part of the city centre through the creation of a dynamic, high-density mixed-use development.
- The café / restaurant use will ensure that activity is maintained during the day and into the evening / night-time. This will in turn support the local economy in terms of local spending and generation of jobs.
- The office building at upper levels can accommodate a single or multiple tenants which is appropriate in the city centre.
- Site 5 will positively address the new public plaza (primary frontage of café / restaurant units) and activate O'Rahilly Parade (access points to café / restaurant units, delivery hub and office bicycle storage).
- The site is exceptionally well served by high frequency, high capacity bus and rail services. This ensure that Site 5 is entirely suitable for the provision of both residential and hotel uses.

- Site 5 , including the Masterplan, has been subject of comprehensive design and environmental assessment, Appropriate Assessment Screening and an Environmental Impact Assessment Report, to ensure that it is representative of sustainable mixed-use development that meets the needs of existing and future generations.
- Through offering a more dynamic office and food & beverage offering in the city centre, Site 5 provides an opportunity in the Dublin City Retail Core to evolve in a mixed-use sustainable manner and create a destination for people to linger, stay, live, shop, work and socialise during the day and at night time.
- A sensitive design approach, the conservation and adaption of buildings of heritage significance, provision of retail, cultural, café / restaurant and office uses, balanced with the reasonable protection of the architectural and civic character of the surrounding area, in accordance with the objectives of the current Dublin City Development Plan and the proper planning and development of the area.
- Has due regard to the sensitivities of existing neighbouring properties, in particular residential uses, in respect of potential for overshadowing and overlooking, while still weighing up the practicalities of achieving sustainable brownfield redevelopment in a dense city centre environment.
- Site 5 is consistent with national, regional and local strategic planning policy as expressed in the National Planning Framework, Regional Spatial and Economic Strategy (and Dublin Metropolitan Strategic Plan), the Core Strategy of the Development Plan and all the relevant Ministerial Guidelines, and otherwise with the statutory policies and objectives of the Dublin City Development Plan.

We request that correspondence relating to this appeal be addressed to this office.

STEPHEN LITTLE & ASSOCIATES
22 August 2022

6 APPENDIX A – LETTER OF SUPPORT FROM TRANSPORT INFRASTRUCTURE IRELAND

An Bord Pleanála
64 Marlborough Street
Rotunda
Dublin 1
D01 V902

By email

Dáta | 20th July 2022

Ár dTag | Our Ref. CAP_ML_L0264

**ABP Ref: 313947-22. Dublin City Council Planning Register Reference: 2863/21
Proposed Dublin Central Development, O'Connell Street, Dublin 1**

Dear An Bord Pleanála

We refer to the First Party Appeal submitted by the applicant Dublin Central GP Limited under the above ABP reference (the **Appeal**). The Appeal is against condition 5 only which provides for a seven year duration.

The Appeal seeks to have substituted for that seven year duration a duration of 15 years.

We confirm having reviewed the Appeal documentation which makes a number of statements about the potential length of the construction programme for Site 5. As you will be aware, TII will shortly be submitting a Railway Order application for the MetroLink Project. One of the MetroLink stations will be located underneath Dublin Central GP Limited's proposed development on O'Connell Street. We confirm that the statements made in the Appeal relative to there being a requirement to continue to use "Site 5" to access the station box during its construction and fit-out are correct.

For those reasons, I wish to confirm that TII is fully supportive of the Appeal and respectfully requests that the Board grant a 15 year duration under this planning permission.

Yours faithfully



Aidan Foley

Project Director – MetroLink

Cc:

- **Hugh Creegan - Deputy Chief Executive, National Transport Authority**
- **Nigel O'Neil – Director of Capital Programmes**
- **Paolo Carbone – Head of Public Transport Capital Projects**

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,

A handwritten signature in black ink, appearing to read "Michael O'Sullivan". The signature is fluid and cursive, with a large initial 'M' and a distinct 'O'.

Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES

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

Our Ref. 20035

22 August 2022

RE: FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

PLANNING APPLICATION FOR THE PROVISION OF A MIXED-USE SCHEME IN A SINGLE BUILDING RANGING FROM 2 – 6 STOREYS OVER SINGLE STOREY BASEMENT COMPRISING OFFICE SPACE C. 5,753 SQ.M), 3 NO. CAFES/RESTAURANTS AND A NEW PUBLIC PLAZA, GENERALLY BOUND BY HENRY STREET TO THE SOUTH, MOORE STREET TO THE WEST AND HENRY PLACE TO THE NORTH AND EAST.

AN BORD PLEANÁLA REF: ABP-313947-22

DUBLIN CITY COUNCIL REG. REF: 2863/21

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 Third Party Appeals by: -

- Cllr. Daithí Doolan on behalf of the Sinn Féin group on Dublin City Council, Richard O'Carroll Room, City Hall, Dublin 2.
- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Diarmuid Breatnach on behalf of save Moore Street from Demolition Campaign Group, 34 Geata an tSéipéil, Bóthar San Alfonsas, BÁC 9.
- James Connolly Heron on behalf of Relative of the Signatories of the 1916 Proclamation, 4 Oxford Road, Ranelagh, Dublin 6.
- Mary Lou McDonald TD, 58 Fassauga Ave, Cabra West, Dublin 7.
- Moore Street Preservation Trust, Ireland Institute, 27 Pearse Street, Dublin 2.
- Proinsias O'Rathaille on behalf of 1916 Relatives Moore Street Initiative, Altis, Ballinclea Road, Killiney, County Dublin.
- William Doran on behalf of Moore Street Traders Committee, 7 St. Mary's Road Ballsbridge, Dublin 4.

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

Stephen Little & Associates are committed
to progressing and achieving sustainable
development goals.

Chartered Town
Planners and
Development
Consultants

Address:
26/27
Upper Pembroke Street
Dublin 2, D02 X361

Contact:
t: +353-1 676 6807
info@sla-pdc.com
sla-pdc.com