

SECTION 131 FORM

Appeal NO: ABP 315053-22

Defer Re O/H

☐

TO:SEO

Having considered the contents of the submission dated/ received 5/12/22
from

OPR I recommend that section 131 of the Planning and Development Act, 2000

~~to~~/not be invoked at this stage for the following reason(s): no new issues raised

E.O.: [Signature]

Date: 12/12/22

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 FORM

Appeal No: ABP _____

M _____

Please treat correspondence received on _____ as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP _____

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments****4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐**RETURN TO EO** ☐

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO:	AA:
Date:	Date:

Validation Checklist

Lodgement Number : **LDG-059906-22**

Case Number : **ABP-315053-22**

Customer: **Office of Public Works**

Lodgement Date: **05/12/2022 14:17:00**

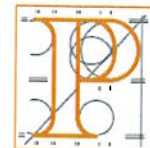
Validation Officer: **Patrick Buckley**

PA Name: **Dublin City Council South**

PA Reg Ref: **4674/22**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

BP41 issued 12/12/2022

ANN

Run at: 09/12/2022 17:34

Run by: Patrick Buckley

James Sweeney

From: Rebecca Mullin <rebecca.mullin@opw.ie>
Sent: Monday 5 December 2022 14:38
To: Bord; Appeals2
Subject: Case reference PL29S.315053_OPW observation
Attachments: RE: prescribed body status of the OPW; FW: prescribed body status of the OPW [Filed 05 Dec 2022 10:59]; 011222_City Quay_OPW ABP obs.pdf

A chara,

Please find attached an observation from the OPW on case reference PL29S.315053 which is the subject of a 1st party appeal. Today is the closing date.

I have attached the emails from yourselves where it is stated that there is no observation fee for the OPW.

I would be grateful if you could confirm receipt of this observation letter.

Kind regards,
Rebecca.

Rebecca Mullin MIPI MUBC
Planner - State/Principal Architect's Office

Oifig na nOibreacha Poiblí
Office of Public Works

Sráid Jonathan Swift, Baile Átha Troim, Co na Mí, C15 NX36
Jonathan Swift Street, Trim, Co Meath, C15 NX36

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<https://gov.ie/opw>

To send me files larger than 30MB, please use the link below
<https://filetransfer.opw.ie/filedrop/rebecca.mullin@opw.ie>

Email Disclaimer: <https://www.gov.ie/en/organisation-information/439daf-email-disclaimer/>



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Date: 1st December 2022

Observation from the Office of Public Works

RE: Case reference PL29S.315053: Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854) (4674/22). Planning Authority is Dublin City Council.

A Chara,

The Office of Public Works (OPW) wishes to make the following observation on the above referenced 1st party An Bord Pleanála Planning Appeal on DCC Reg. Ref. 4674/22.

1.0 INTRODUCTION

The development that is the subject of ABP Case reference PL29S.315053 comprises a 24-storey building facing onto the River Liffey. It will be located 0.1 kilometres from the chief elevation of the Custom House (begun 1781, to designs of architect James Gandon [1743 1823]). The OPW is responsible for the management and care of the state-owned Custom House – a building which has been described by architectural historian Christine Casey as follows:

Trophy buildings come no finer than this. In quality of execution, the Custom House is unrivalled among the Neo-classical buildings of the city (page 141, Christine Casey, *The Buildings of Ireland: Dublin*).



2.0 OPW'S ROLE IN THE CUSTOM HOUSE

The OPW have a demonstrated commitment to the Custom House. Gutted by fire in 1921, the Custom House was re-roofed and restored by 1929 by T.J. Byrne of the OPW, with reinstatement of the dome using Irish limestone. The building was restored again in the 1980s by the OPW, the exterior was repaired while the 1920s interior was restored. More recently – in preparation for the centenary anniversary of the burning of the Custom House in 1921 – OPW coordinated and carried out a programme of planned maintenance works to the exterior of the Custom House. In late 2021, a new visitor centre opened at the Custom House, showcasing the building's rich history and highlighting its national significance. The visitor centre was developed by the Dept. Housing, Local Government & Heritage in conjunction with the Office of Public Works (OPW) and in partnership with Fáilte Ireland.

3.0 SIGNIFICANCE OF THE CUSTOM HOUSE

The Custom House carries a rating of International significance on the National Inventory of Architectural Heritage (NIAH) in Ireland. This rating is reserved for buildings deemed to be "exceptional structures that can compare with the finest architectural heritage of other countries". The NIAH describes the building as follows:

Standing as one of Ireland's most accomplished Neo-Classical buildings, the troubled history of the structure and its current context, having substantial twentieth-century buildings to two sides, has not diminished its impact or its status as one of Dublin's key architectural set-pieces.

(Source: <https://www.buildingsofireland.ie/buildings-search/building/50010133/custom-house-custom-house-quay-beresford-place-dublin-1-dublin-city>).

The Custom House, and the Custom House Quay, are included in the Dublin City Council Record of Protected Structures. In recognition of its special character, the building and its surrounding environs are included within a Conservation Area (Specific Objective) in the current city development plan.

<i>Draft Dublin City Development Plan 2022-2028</i>			
RPS Ref No	Address	Full Address	Description
2096	Custom House Quay, Dublin 1	Dublin 1	Custom House
8829	Custom House Quay, Dublin 1	Dublin 1	Granite ashlar quay wall including parapet wall, recesses with iron ladders, granite steps, stone setts, mooring rings



4.0 IMPACT OF ABP CASE REFERENCE PL29S.315053 ON THE CUSTOM HOUSE

Having reviewed the Dublin City Council Planner's Report (12-Oct-2022) on DCC Reg. Ref. 4674/22 and in particular Reason for Refusal No. 1, the OPW wishes to reiterate its concerns in relation to the proposed development at City Quay (now ABP PL29S.315053).

Setting and Character of the Custom House (as referenced in DCC Reason for Refusal No. 1)

The OPW concurs with DCC that the subject development could bring a positive change at street level, with the replacement of existing vacant buildings. The OPW shares DCC's opinion that, if viewed in isolation and not taking into account the sensitivities of the surrounding context, the scheme has significant positive architectural attributes. However, overall, the OPW agrees that due to its scale, bulk and height, the proposed scheme would seriously detract from the setting and character of the Custom House and environs.

Sensitive Location (as referenced in DCC Reason for Refusal No. 1)

The OPW is in agreement with DCC regarding the prominent and sensitive location of the subject site by reason of its position within the historic city core fronting onto the River Liffey, and its proximity to the Custom House. Having reviewed the additional information submitted by the applicant for the 1st party appeal (i.e. additional photomontages, report on townscape and visual impact – referred to as the TVIA), the OPW's concerns in this regard are not allayed.

The assertion in the aforementioned TVIA that *"The proposed development is a natural progression and could take its place comfortably (albeit prominently) in this character area"* is disputed by the OPW. It is considered that a building of this scale and magnitude is inappropriate at this historically sensitive location.

Important Views and Vistas (as referenced in DCC Reason for Refusal No. 1)

The OPW agrees with DCC that the proposal would have an adverse visual impact on important views and vistas in and around the River Liffey, in particular those views from the Custom House environs and Amiens Street. In this regard, the OPW requests An Bord Pleanála to uphold the protected Key Views and Prospects in and around the Custom House – which are graphically articulated in the *Dublin City Development Plan 2022-2028*.

Overshadowing (as referenced in DCC Reason for Refusal No. 2)

It is noted that DCC did not make reference to the overshadowing impacts of the proposed scheme on the Custom House, with concerns in this regard focusing on the impacts to buildings located on the south side of the River Liffey. However, the OPW wishes to reiterate its concern about the potential for this scheme to negatively affect the internationally important classical Portland stone façade of the Custom House – due to the potential casting of long shadows onto the façade on an intermittent basis.



5.0 CONCLUSION

It is considered that the protection of the civic, architectural and historic importance of the Custom House needs to strongly inform An Bord Pleanála's assessment of this 1st party appeal (Case reference PL29S.315053).

If further information or input is required from the items raised in this submission, please do not hesitate to contact the OPW at:

info@opw.ie

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Rosemary Collier', is placed over a light green rectangular stamp.

Rosemary Collier
Head of Heritage & Capital Works Delivery

A handwritten signature in dark ink, appearing to read 'Ciaran O'Connor', is placed over a light green rectangular stamp.

Ciaran O' Connor
State Architect / Principal Architect