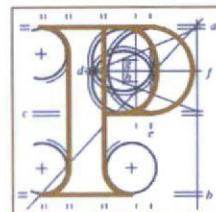


Our Case Number: ABP-315358-22

Planning Authority Reference Number: 4951/22



**An
Bord
Pleanála**

Dublin City Council South
Dublin City Council
Planning Department
Civic Offices, Wood Quay
Dublin 8
D08 RF3F



Date: 19 December 2022

Re: PROTECTED STRUCTURE: Conservation and refurbishment of the existing north wing and part of the east wing of the National Concert Hall and the Real Tennis Court building and the construction of a new four storey over basement extension with a planetarium dome to the west of the north wing at the boundary of the Iveagh Gardens. Change of use of the former UCD School of Civil Engineering to the National Children's Science Centre. The National Concert Hall, Real Tennis Court and Iveagh House (Department of Foreign Affairs) and Iveagh Gardens, including stone garden folly are designated Protected Structures (References RPS 2425, 2426 and 7791). National Concert Hall, Earlsfort Terrace, Dublin 2

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter**, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a **certified** copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the **published notice** and a copy of the text of the **site notice** erected on the land or structure,
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within **a period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates

Teil	Tel	(01) 858 8100
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D01 V902	D01 V902

inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

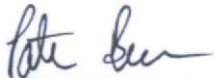
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-_____) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Patrick Buckley
Executive Officer
Direct Line: 018737167

BP07 - Xmas

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D01 V902	D01 V902

An Bord Pleanála
64 Marlborough Street,
Dublin 1

AN BORD PLEANÁLA	
LDG- <u>00021-22</u>	
ABP- _____	
15 DEC 2022	
Fee: € <u>220</u>	Type: <u>aud</u>
Time: <u>16.43</u>	By: <u>hernal</u>

Pom Boyd
The Iveagh Trust
New Bride St
Dublin 8

RE: Planning ref 4951/22

Dear Secretary,

Concerning the permission granted on 23rd November 2022 for the planning application 4951/22.

I wish to appeal the decision to grant permission made by DCC on the grounds that the permission has not demonstrated that it is acting in accordance with the Dublin City Development plan contrary to its own criteria as stated in the following

*'It should be noted that Dublin City Council
as the Planning Authority will consider this application
strictly in accordance with the provisions of
The Dublin City Development Plan.'* **Dublin City Council.**

The permission has allowed the outdated Dublin City Development plan to be used to support the application.

The planning application refers solely to the Dublin City Development 2016 -2022. This is not acceptable for a proposal which will be built under the current plan and demonstrates a casual regard of the importance of the Development Plan 2022 -2028.

This will undermine public confidence in the Development Plan.

If the current Development Plan is to be ignored in a large development proposal of this kind, what is the point of it?

The Permission Grant

1) There is a worrying diversion between what the Planning Authority deem desirable in the permission and what the proposal itself.

The permission acknowledges that the proposal

'Is a significant intervention that will have an irreversible direct impact on the established quiet and mysterious quality and architectural setting that epitomises the secluded 'secret' Iveagh Gardens, in addition to a significant loss of historic fabric' **Dublin City Council
permission Nov 2022**

Given the recognition of the loss to the public of such a precious piece of heritage there is a concern as to why the permission was allowed.

How is the permission adhering strictly to the Dublin City Development Plan which has enlightened aims around protecting Dublin's built heritage?

'Dublin's built heritage and archaeology is a distinguishing feature in an increasingly homogenised world. It is a unique asset, which forms part of our cultural identity. There is a need to promote a deeper understanding of our built heritage and archaeology as an authentic, unique and finite resource.'

Chapter 11.3 Built Heritage DCC dev plan 2022/2028

NB: The permission states that the protected wall is an early 20th century intervention when in fact the wall is a late 19th century, 1894
As stated in the proposal.

2) Biodiversity Concerns

'The city's natural assets are an essential resource for conserving biodiversity and for creating a healthy, low carbon, resilient and connected city.'

Dublin City Development plan 2022-2028

The Biodiversity concerns as laid out in several of the observations are not given consideration in the permission. The permission has not addressed the impact on the Iveagh Gardens wildlife habitat.

The permission notes

'The removal of mature trees , undergrowth and canopy cover will require careful replacement' **DCC Planning Authority permission 23rd Nov 2022T**

The plan in the proposal will not replace the undergrowth, and mature trees. Relying instead on

' hard landscaping, box hedging and pleached laurels' **OPW proposal**

It also runs contrary to the Environmental Protection agency aims and The EU strategy on Biodiversity 2030 which informs the aims and objectives of the Dublin City Development plan

'Protection of biodiversity both inside and outside protected areas is necessary, this will require greater integration of biodiversity concerns in sectoral policy development and implementation, at local and national levels. Environmental Protection Agency

3) Bats, Birds, Insects

The large-scale removal of the ivy in the Gardens will have a detrimental effect on the bats which feed on the ivy spider. It will also affect the bird population and eliminate an important winter food source. The lack of consideration for protected species in the

permission is not acceptable.

It is of great concern that the permission has ignored these considerations and will undermine public confidence in the Dublin City Development plan if the impact upon species is not to be given even a mention.

The planning proposal asserts

'The mitigation measures proposed (in section 6) are focussed on the protection of bats from accidental harm during site clearance minimising the effects of bats during construction' Section 4. Site Context

Yet there are *no* mitigating measures regarding bat protection mentioned in *Section 6* of the Proposal.

This oversight has not been acknowledged in the permission.

If species protection is not even mentioned in a permission where concerns have been raised about biodiversity then that permission can not be seen to be adhering strictly to the Dublin City Development plan.

3)Wider Context & Public Concern Ignored

The permission has not taken into consideration the wider context of the proposal nor has it looked at the impact upon park users and the concerns of the public as demonstrated in the observations submitted.

Over 46,000 people have signed a petition against the development demonstrating the widespread concern about the impact of the proposal upon a much loved heritage park. The large scale new apartment development on the old DIT site on Kevin street will see a surge in the local population in the coming years and a resultant surge in the need for a local park. That development also constituted the loss of five mature trees.

The permission has not taken this population surge into consideration.

The pressure on green space is already intense and that pressure will increase with the population surge and future plans for the Metro link and the proposed impact on St Stephens Green that will necessitate.

The wider context has not been considered in this proposal

The shortage of quality green space in the area has been ignored.

During Covid the Iveagh Gardens proved to be a vital point of contact with nature and demonstrated beyond doubt the necessity of peaceful place of recreation.

The permission has not considered the need for quality green space going forward. This runs contrary to the aims of the Dublin City Development plan

In granting permission to a proposal which runs contrary to the aims and objectives of the Dublin City Development plan the Planning Authority has given rise to concern that the Development Plan, which underwent a significant public consultation process, is not being adhered to.

This is not in any of our interests.

With due consideration to the above points I respectfully request that An Bord Pleannala refuses permission for this proposal.

Yours sincerely,

Pbm Boyd



Pom Boyd
460, The Iveagh Trust
Kevin Street
Dublin 8

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO. 4951/22
DATE RECEIVED: 29-Sep-2022
LOCATION : National Concert Hall, Earlsfort Terrace, Dublin 2
PROPOSAL : PROTECTED STRUCTURE: The development will consist of the conservation and refurbishment of the existing north wing and part of the east wing of the National Concert Hall and the Real Tennis Court building and the construction of a new four storey over basement extension with a planetarium dome to the west of the north wing at the boundary of the Iveagh Gardens. The development includes the change of use of the former UCD School of Civil Engineering to the National Children's Science Centre. The total floor area of the development is approx. 9580 sq.m. The National Concert Hall, Real Tennis Court and Iveagh House (Department of Foreign Affairs) and Iveagh Gardens, including stone garden folly are designated Protected Structures (References RPS 2425, 2426 and 7791).
In order to facilitate the new extension, the following demolitions are required:
- 450 sq.m two storey stone building, which houses a workshop, plant area and ancillary items; and a 120 sq.m maintenance shed located in the north western corner of the site;
- A section of the boundary along the Iveagh Gardens, allowing for a new access ramp and steps into the Iveagh Gardens.
- A 200 sq.m single storey lean-to structure located to the south side of the Real Tennis Court building, providing for universal access to the Real Tennis Court building.
The Real Tennis Court building will be refurbished including the restoration of the tennis court (to a playable condition), and to facilitate space for temporary displays and exhibitions. Construction of a single storey structure to the south side of the Real Tennis Court building will provide universal access, and will include a lobby, toilets, tea station, stairs, lift and ancillary works. Existing windows and roof lights are to be repaired, restored and upgraded as required. The construction of a new link tunnel with a single storey glazed box roof light will connect the Real Tennis Court building to the north east corner of the National Concert Hall.



The restoration and refurbishment works to the north and east wings of the former UCD School of Engineering will include a new entrance to the existing north wing, new fire doors to corridors, new lift core to link all levels and permanent interactive display spaces from basement to second floor, a gift shop, lecture theatre, science demonstration laboratory, classrooms, schools lunch area, offices, new sanitary facilities and additional ancillary accommodation. Refurbishment work will also include the restoration of existing external and internal windows and doors, upgrading of the existing roof and roof lights and all minor/repair work. All existing plant to be removed from roof and replaced with new plant to be located on both the existing and new roof extension. The new extension will connect to the existing building through a glazed link and will include interactive display spaces, a domed planetarium, and external balcony, café, circulation cores and ancillary spaces. Additional plant, toilets and support accommodation will be housed in the basement. The external works will comprise of hard and soft landscaping, lighting, new steps and ramps to facilitate universal access to the existing north wing and Iveagh Gardens, a section of new decorative railings to Iveagh Gardens to replace the proposed section of wall to be removed 26 no. bicycle stands, new surface water attenuation, new foul connection and all associated ancillary works on a site area of circa. 0.837 hectares. The development has been screened for both Appropriate Assessment and Environmental Impact Assessment.

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288
E. planningsubmissions@dublincity.ie

- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website. www.dublincity.ie.**

Yours faithfully,


For ADMINISTRATIVE OFFICER

