



An
Bord
Pleanála

Inspector's Report

ABP-315358-22

Development	Refurbishment, restoration and new extension including change of use of University College Dublin School of Civil Engineering to the National Children's Science Centre. (Protected Structure)
Location	National Concert Hall, Earlsfort Terrace, Dublin 2
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4951/22
Applicant(s)	The Commissioners of Public Works In Ireland
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties vs. Grant
Appellant(s)	<ol style="list-style-type: none">1. Pom Boyd2. Irish Real Tennis Association
Observer(s)	<ol style="list-style-type: none">1. Philip O'Reilly2. An Taisce3. Richard Duggan
Date of Site Inspection	28 th December 2023
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located within the grounds of the National Concert Hall on the south side of Dublin City Centre. The surrounding area is characterised by a mix of office, educational, institutional and cultural uses and there are a variety of building types and heights in the vicinity.
- 1.2. The site comprises the north and part of the east wings the National Concert Hall building, which was formerly occupied by the UCD School of Engineering, a single storey workshop building to the rear, the Real Tennis Building to the side, and a small portion of the Iveagh Gardens including a section of the boundary wall of the garden.
- 1.3. The site is bound to the north by office buildings which front on to St Stephen's Green South and to the west by the Iveagh Gardens, and the overall site of the NCH is bound to the east by Earlsfort Terrace and to the south by Hatch Street Upper.
- 1.4. The National Concert Hall, Real Tennis Court and Iveagh Gardens are Protected Structures.

2.0 Proposed Development

- 2.1. In summary, planning permission was sought for the following:
 - 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
 - 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).
- 2.2. 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 northwestern 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.

2.2.1. 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 northeast corner of the National Concert Hall.

2.2.2. The restoration and refurbishment work 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.

2.2.3. 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.

2.3. The planning application was accompanied by inter alia a Planning Report including Visual Impact Photomontages, An Architectural Impact Statement, Archaeological Survey, Appropriate Assessment, EIA Screening Report, Arboricultural Report, Flood Risk Assessment and Transport Statement.

3.0 **Planning Authority Decision**

3.1. **Decision**

Dublin City Council issued a decision to grant permission subject to 14 no. conditions.

3.1.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- The zoning and policy objectives applicable to the development site. In terms of the principle of development, basically the same development was approved on the subject site, as part of DCC Reg. Ref. 2362/16 (ABP Ref. 246621). The proposed development of the site for a National Children's Science Centre would be compatible with these zoning objectives and the proposal is therefore acceptable in principle.
- The report sets out the contents of reports from the Conservation Officer, Archaeologist and Transportation Department.
- The report concludes that the proposed development would not have an adverse impact on the integrity, or character and setting of any Protected Structures in the area, subject to compliance with conservation conditions. The proposed refurbishment of the NCH and the use of this site for the National Children's Science Centre would constitute a positive and sustainable adaption and re-use of historic buildings that will likely extend their long established cultural and educational usage into the future.

The planning authority decision to grant of permission subject to 14 no. conditions. These are broadly standard in nature. Conditions of note include:

Condition no. 3 relates to Luas Cross City contribution.

Condition no. 4 relates installation of information boards providing a brief history and rules of the game of Real Tennis.

Condition no. 5 sets out that only the developer shall submit a detailed proposal to the planning authority for the temporary re-instatement of the penthouse galleries and any other essential features required for playing Real Tennis matches. The temporary structures shall be robust and durable and designed in a manner which allow for efficient on-site assembly, dismantling and storage.

Condition no. 10 stipulates compliance with the detailed requirements of the Conservation Department.

Condition no. 11 stipulates compliance with the detailed requirements of the Archaeology Department.

3.1.2. Other Technical Reports

Conservation Officers (Report dated 17th November 2022): no objection and recommends conditions.

The Drainage Division (Report dated 17th October 2022): no. objection and recommends conditions.

The Transportation Division (Report dated 14th November 2022): no objection and recommends conditions.

Environment Health (Undated): no objection and recommends conditions.

Archaeology (Report dated 15th November 2022): The report notes that groundworks associated with the construction of the New Children's Science Centre, which includes a basement level, would impact on subsurface industrial archaeological material associated with the nineteenth century Winter Garden and Exhibition Palace, which represents an important period in Victorian industrial archaeology. This office concurs with the recommended methodology of archaeological assessment by way of testing in the submitted report. It is the recommendation that an assessment to include archaeological testing be undertaken in the event of a grant of planning permission.

3.2. **Prescribed Bodies**

An Taisce (Report dated 2nd November 2022) – the report sets out that significant revision to the plan is required to protect the natural and built heritage of the Iveagh

Gardens and Real Tennis Court Protected Structures and ensure delivery of the proper planning and sustainable development of the area.

The National Transport Authority (Report dated 2nd November 2022) - The proposed Metrolink project will run beneath the eastern portion of the application site in proximity to Earlsfort Terrace. A Railway Order application has been lodged with An Bord Pleanála and a portion of substratum land (Ref. No. ML6D-U8 on Sheet No. ML-P306D-E, Metrolink Property Details, Saint Stephen's Green to Hatch Street Lower), has been referenced for acquisition to construct and operate Metrolink.

Due to the proximity of the proposed development to the Metrolink tunnel, the NTA recommends that further information is sought from the applicant to ensure that the proposed development is compatible with proposed Metrolink infrastructure. Liaison with the NTA will be required in this matter.

Transport Infrastructure Ireland (Report dated 1st November 2022) - no objection to the proposed development.

3.3. Third Party Observations

The PA in their assessment state that a number of valid observations were made. These include submission from the Irish Real Tennis Association, The Iveagh Trust, the National Children's Science Centre and Irish Georgian Society. Issues raised in the submissions included inter alia the following:

- refurbishment of the Real Tennis court is welcomed.
- concern regarding repair works and interventions to the real tennis court and that the real tennis court will be used as a subsidiary venue to the proposed science centre and that the real tennis court deserves to be recognised and celebrated in its own right.
- impact on the character, visual amenity and biodiversity of Iveagh Gardens. The proposal should be amended to exclude the Iveagh Gardens
- the proposal does not comply with the EU strategy on Biodiversity in Cities 2030
- the Applicant has failed to demonstrate that a Children's Science Museum is necessary.
- the proposed extension will have an overbearing impact on existing Protected Structures

- traffic concerns
- lack of transparency and public consultation
- site should be developed instead as a Museum of Music

There was also a letter of support from The Museum of Possibilities which states:

- The proposal constitutes a long overdue development of the northwest Wing of the subject site.
- The proposed interactive science centre for children is in line with government policy on STEM education.

4.0 Planning History

Appeal Site

DCC Reg. Ref. 4120/17 - Planning permission was granted for the provision/ construction of a new Winter Garden in an infill space at first floor level in the National Concert Hall, enclosed by the existing Butler Building (constructed in 1912) to the east, and the existing walls of the main auditorium (c.1865) and John Field Room (c 1980) to the west.

DCC Reg. Ref. 2362/16/ ABP PL29S.246621 - Planning permission was granted on 14/09/2016 for Refurbishment, restoration and new extension including change of use of University College Dublin School of Civil Engineering to the National Children's Science Centre. (Protected Structure).

(The subsequent planning DCC Reg. Ref. No. 2362/16X1 lodged in August 2021 requesting an extension of duration for the granted planning permission Ref. No. 2362/16 was refused planning permission, because the Planning and Development (Housing) and Residential Tenancies Act 2016 (Section 28(1)) (Commencement) Order 2021, dated 9th September 2021 removes the possibility of an extension of duration for un-commenced development or development where substantial works have not been carried out).

**The current application is the same as DCC Reg. Ref. 2362/16/ ABP PL29S.246621 with two exceptions:

1. ABP conditions attached to ABP PL29S.246621 as regards The Real Tennis Club have been incorporated into the application.

2. The landscaping proposed at the entrance to the Iveagh Gardens has been revised to retain and protect as many category 1 trees as possible while keeping the aspiration to provide a fully accessible access point.

DCC Reg. Ref. 2479/15 - Planning permission was granted for the Re-use and modification of the existing three principal rooms at first floor level (Walsh, Conway & Barry Rooms) as a Recital Hall space for public performances including raised storage area for piano, platform lift and steps, with a separate classroom performance space and associated backstage areas. Repair works to existing external steel windows onto Earlsfort Terrace to include new secondary glazing and wall panelling. Removal of existing 20th century ceilings to reinstate parts of original design within the rooms.

DCC Reg Ref. 2127/12 - Planning permission was granted for a temporary change of use from educational to public art galleries and ancillary accommodation for the Irish Museum of Modern Art. The temporary retention of an external entrance ramp structure and the provision of new signage thereon.

5.0 Policy Context

5.1.1. Section 28 Ministerial Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011

5.2. Dublin City Development Plan 2022-2028

- 5.2.1. The DCC decision was made under the Dublin City Development Plan 2016-2022. However, the Dublin City Development Plan 2022-2028 was adopted on the 2nd of November 2022, and it came into operation for this area as of the 14th of December 2022.

Zoning

The Iveagh Gardens site is located within an area covered by the Z9 Amenity/Open Space Lands/Green Network with a zoning objective which seeks '*To preserve, provide and improve recreational amenity and open space and green networks*'. Open space is a permissible use, and cultural/recreational buildings and uses are open for consideration within the Z9 zone.

The National Concert Hall and Real Tennis Court on Earlsfort Terrace are included in the current Record of Protected Structures (RPS) “National Concert Hall, including main building, boundary walls, gates and railings” RPS Ref. No. 2425 and “Real Tennis Court” RPS Ref. No. 2426. The Iveagh Gardens are also included in the RPS under the entry “Iveagh House (Department of Foreign Affairs) and Iveagh Gardens including stone garden folly” RPS Reg. No. 7791.

The National Concert Hall and Iveagh Gardens are located within a red-hatch conservation area.

The National Concert Hall (b.1914) and Real Tennis Court (b.1884) are included in the National Inventory of Architectural Heritage (NIAH) Reg. Nos. 50920271 and 50920269 respectively and both have been afforded a Regional Rating, with Categories of Special Interest identified as Architectural, Artistic, Historical and Social (for the National Concert Hall) and Architectural, Historical and Social for the Real Tennis Court. The Iveagh Gardens are also included in the NIAH, Reg. No. 50920262, and have been afforded a Regional Rating, with Categories of Special Interest identified as Architectural, Artistic, Historical and Social

Relevant policies and standards of the Dublin City Development Plan 2022-2028 include:

Chapter 10 Green Infrastructure and Recreation

- GI41 - Protect Existing Trees as Part of New Development

Chapter 11 Built Heritage and Archaeology

- BHA2 – To conserve and enhance Protected Structures and their curtilage.
- BHA7- Architectural Conservation Areas
- BHA8- Demolition in an ACA

Chapter 12 Culture

- Section 12.5.1 Protecting and Enhancing Dublin City’s Cultural Assets

Policy CU4 – Cultural Resources

Policy CU5 - Investing in our Culture, Language and Heritage 2018 - 2027 - Support the planned upgrade and investment in national cultural institutions within the city as outlined in Investing in our Culture, Language and Heritage 2018 - 2027; including the new collections and Learning Centre at IMMA, Collins

Barracks, The National Library, National Archives, Natural History Museum, IMMA, **National Concert Hall** and the Chester Beatty Library and other projects proposed during the lifetime of the Development Plan.

12.5.2 Cultural Hubs and Quarters states

South Georgian Quarter

*“The South Georgian Quarter of the city has been the leading cultural quarter of the city since the foundation of the State. Its concentration of national institutions, closely situated to the Houses of the Oireachtas makes this quarter unique. The depth and range of facilities in this cluster has grown over recent decades. Significant investment has seen transformative improvements to the quality of space including the National Gallery, upgrades to the National Library, the Natural History Museum **and the proposed development of a new National Children’s Science Centre at Earlsfort Terrace...**”*

Policy

CU8 - South Georgian Quarter Cultural Hub - To support the role of the South Georgian Quarter as a cultural hub of national significance and to support the growth and use of buildings within the area for cultural, heritage and artistic purposes.

5.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA.

6.0 The Appeals

6.1. Third Party Appeals

Two no. third party appeals have been received in respect of Dublin City Council’s recommended decision to grant permission from:

1. Pom Boyd, The Iveagh Trust, New Bride Street, Dublin 8.

The grounds of appeal are summarised as follows:

- The permission has allowed an outdated Dublin City Development Plan to be used.
- There is a concern as to why the permission was allowed as the planning assessment recognises the loss of part of the eastern boundary wall of the Iveagh Garden’s, a precious piece of heritage.

- It is set out that the biodiversity concerns laid out in several observations are not given consideration in the permission.
- The plan in place will not replace undergrowth and mature trees relying instead on 'hard landscaping, box hedging and pleached laurels' and runs contrary to the EPA aims and the EU strategy on Biodiversity 2030 as set out in the Development Plan.
- Negative impact on Bats which feed on the ivy spider. There are no mitigating measures as regards the bat population. The development will also affect the bird population.
- The permission has no regard to the wider context of the proposal and the impact upon park users. The pressure on green space is already intense.

2. Irish Real Tennis Association, C/o Cunnane Stratton Reynolds.

The grounds of appeal are summarised as follows:

- The Irish Real Tennis Association (IRTA) has no objection to the proposed National Children's Science Centre, but it objects to the proposed interventions to the Real Tennis Building.
- The conditions imposed as they relate to the Real Tennis County are contradictory. Particular concerns are raised as regards the proposal for penthouses and the nature of same – permanent or temporary?. It is argued that the Architectural Impact Assessment prepared by Blackwood's assessed the proposal for permanent penthouses with some localised demountable sections, but condition no. 5 refers to the "temporary re-instatement of the penthouses". A further contradiction arises as regards condition 10 (g) which refers to "demountable panels". It is argued that the planning officers' reference to 'temporary tennis facilities, court and penthouses' does not reflect the technical assessments undertaken by both the applicant's conservation architects and the conservation officer and as such the permission should be retracted rather than amendments made to a number of conditions.
- It is set out that condition no. 5 appears to have been inherited from (2362/16) and is no longer relevant.
- Condition no. 10 and the reference to a Real Tennis specialist would seem to exclude the appellant from formal consultation and or engagement.

- The technical nature and volume of the conditions imposed and the agreement detailing and further assessment through planning compliance exclude informed third-party involvement.
- The approach to grant planning permission in this instance is contrary to the Development Management Guidelines (2007). It is set out that the conditions contained in the DCC permission covers matters such that third parties will be detrimentally affected. The conditions are considered inappropriate in the context of Section 7.9 of the Development Management Guidelines (to avoid the use of conditions that require matters to be agreed) and further information should have been requested.
- Request the Board to remove the contradiction inherent in the planning conditions and to revise the conditions to ensure that the applications stated intent of restoring the Real Tennis Court “to playable condition” is given effect.

6.2. First Party Response to Third Party Appeals

Response on behalf of the Commissioners of Public Works in Ireland (26th January 2023).

1. Repose to appeal from Pom Boyd

The response can be summarised as follows:

The adoption of the New Development Plan

- It is set out that the application was lodged to DCC on 29th September 2022 and a decision to grant issued 23rd November 2022 in accordance with the DCC Development Plan 2016-2022. The new DCC Development Plan 202-2028 was adopted on the 2nd November 2022 and the plan came into effect on the 14th December 2022 subsequent to the decision being made.
- With respect to the appellants concerns it is set out that Downey have carried out a review of the CDP 2022-2028 and compared it to the CDP 2016-2022 and found there are no significant changes to policies and objectives pertaining to the subject development.

Impact on Heritage - Loss of a portion of the Iveagh Garden’s eastern wall

- It is set out that while the eastern boundary wall is of historical value, it partitions

the gardens from the National Concert Hall area, which predate the boundary wall and were historically interlinked. The boundary wall was a later addition construed after the National Concert Hall buildings were sold to the Commission of Public Works in 1882 and the garden was retained for private use by Edward Cecil Guinness.

- The proposed opening would make a positive contribution to the public realm and will provide universal access.
- It is set out that the net gain from the proposed development outweighs the loss of a small number of trees and a section of the boundary wall.
- It is set out that the removal of a portion of the boundary wall was previously deemed acceptable by ABP.

Impact on Biodiversity

- It is set out that the appellant has misread the proposed application, four trees only (not five) are to be removed to facilitate the development (1 no. category A London Plane and 3 no. category C). The partial removal of the understory of a further two trees will be carried out to facilitate the new public realm but should not impact the health of the trees.
- Much consideration has been given in this application to reduce the extent of hard landscaping and reduce the number of trees to be removed and the design has been informed by arboriculture advice.
- The bat survey report submitted found that the existing buildings within the subject site are not currently used by bats for roosting purposes. During survey periods, two species of bats were recorded using the Iveagh Gardens for foraging and commuting. It was concluded as there were no bats nesting on site or using the existing structures. The impact of the development on bats would be negligible.
- The specific mitigation measure outlined in the Bat Species Report and Arborist report will mitigate the impact of the development.

Public Perception and Concerns

- The proposed development is not removing any green space and is restoring

an historical connection. The overall size of the Iveagh Gardens will not be reduced. In addition, the development is creating a new public plaza along the northern boundary of the NCH which is currently a car park.

- It is set out that Dublin is one of few European cities that does not have a world class space for science exploration for younger people. The development is in compliance with CU4 and CU5 of the CDP.

The proposed development has been designed to the highest standards respecting the heritage of the Protected Structures and the biodiversity of the Iveagh Gardens. The new use will provide a much-needed space for the exploration of STEM subjects by children.

2. Response to appeal from Real Tennis Association

The response can be summarised as follows:

- a) It is set out 14 no. conditions is not unusual for a large-scale project and many of the conditions of the previous ABP grant have been reapplied. It is further argued that in appealing the decision of DCC the appellants have further opportunity to comment.
 - b) The Real Tennis Association are not the legal owners of the building and do not have any legal interest. The organisation does not have any right to play Real Tennis in the building.
 - c) The five-week observation timeline was applied for observations.
 - d) The scheme was previously granted by ABP and DCC.
- It is set out that under the grant of permission the Real Tennis Club will be refurbished including the restoration of the tennis court to a playable condition and to facilitate space for temporary displays and exhibition.
 - The 200sqm structure to be demolished will be reconstructed to provide universal access to the Real Tennis Club building and house wet uses such as toilets to ensure the integrity of the Real Tennis Club not compromised. At basement level a link will connect the Real Tennis Club with the rest of the proposed National Childrens Science Centre in Earlsfort Terrace.

Response to the Grounds of Appeal

Penthouse Design

- It is set out that both the Architectural Heritage Impact Assessment and condition no. 5 emphasis the ‘temporary’ uses of the Real Tennis Court Building either for the potential for Real Tennis or as an exhibition space. Condition no. 5 does not contradict the findings of the AHIA, both highlight the flexibility of the space to accommodate both uses. Condition no.5 also does not state that the Real Tennis Court is to be secondary or inferior to the use of the space as an exhibition space.
- Condition no. 5 relates to the primary application for a National Childrens Science centre and relates to how the Real Tennis Court building will be used as part of same.
- Both the AHIA and condition no. 5 clearly state that the penthouses are either “temporary” or “demountable”, as permanent penthouses would impact the viability of the space to host exhibitions.
- It is set out that the T&RA which is the governing body for the sports of Real Tennis and Rackets in the UK promotes ‘Modular Tennis Courts’ which are demountable prefabricated Real Tennis Courts. The only prerequisite is that there is a large internal space to house the court, which the restoration of the Real Tennis Court building would provide.
- It is set out that there is nothing in condition no. 10(g) that contradicts condition no. 5. Condition no. 10 (g) calls for a detailed strategy to facilitate the demountable panels to facilitate both uses

Real Tennis Speciality

- Condition 10 (g) stipulated the applicant engage a Real Tennis Specialist ultimately DCC will have the final say thus ensuring that any works will ensure the protection of the architectural heritage value of the building.

Planning Process

- As regards the conditions it is set out that further information is not warranted as none of the conditions are unexpected. Regarding reference to section 7.9 of the Development Management Guidelines it is reiterated that the Irish Real Tennis Association are not the owners of the building and do not have any

planning or legal rights to the building. It is set out that throughout the planning process the appellant(s) have had opportunity to make submissions. It noted that the Real Tennis Association Club appeal does not provide alternatives as to what would be suitable to them.

The response concludes that the restoration of the court to a playable condition for potential temporary tournament use if the need arises is a significant gain for the Real Irish Tennis Association.

6.3. Third Party Response to First Party Submission

None

6.4. Planning Authority Response

The planning authority's response to the appeals includes a memo requesting that the decision to grant permission be upheld and a number of conditions highlighted.

6.5. Observations

3 No. observations have been received.

There is an overlap in the observations received from **Mr. Philip O'Reilly and Mr. Richard Duggan** and I have grouped for clarity. The observations raise concerns with respect to:

- Negative impact on architectural heritage
- Negative impact on the environmental and historical setting of the Iveagh Gardens
- Particular concern is raised about the removal of 52m of the eastern boundary wall of the Iveagh Gardens
- The application does not meet the 'Green Infrastructure, Open Space and Recreation' objectives of the CDP.

An Taisce – In their observation dated 23rd April 2023 An Taisce states that the applicant has not demonstrated the "exceptional circumstances" required for the demolition of part of the boundary wall of the Iveagh Gardens.

Concerns raised about the impacts on the character and setting and biodiversity of the Iveagh Gardens having regard to the Conservation Area zoning.

Advocate for the restoration of the Real Tennis Court for Real Tennis only.

7.0 Assessment

7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- The Principle of Development
- Impact on Built & Cultural Heritage
- Impact on Trees and Biodiversity
- Other Matters

7.2. The Principle of Development.

Relevant Development Plan

7.2.1. A specific concern was raised in the objections that the permission has allowed an outdated Dublin City Development Plan to be used to determine the application. The planning authority assessed the scheme against the provisions of the Dublin City Development Plan 2016-2022, which was the relevant statutory plan in place when the application was decided. The current development plan came into effect on the 14th December 2023 and my assessment is based on the policies and objectives of the current statutory plan, which is the Dublin City Development Plan 2022-2028.

7.2.2. Regarding reference made in the appeals to the adoption of the new Development Plan 2022-2028 subsequent to the recommendation of DCC to grant planning permission, of relevance I note the zoning provision have not materially changed. Similarly, the principal policy objectives as they relate to Protected Structures and Conservation Areas as set out in the Development Plan 2022-2028 have not materially altered so as to render the principal objectives materially different to the Development Plan 2016-2022.

Site Context

7.2.3. The existing buildings on the appeal site were originally occupied by the Royal University which later became University College Dublin and then the National Concert Hall. The northern and part of the east wings of the NCH, the Real Tennis Building

(RTB) and the workshops were most recently occupied by the UCD School of Engineering until 2007. The RTB was used as an engineering lab/workshop.

- 7.2.4. The proposed 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 (NCSC).

Zoning

- 7.2.5. The proposed development would be mainly located within an area zoned "Z8" in the Development Plan which seeks *"To protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective"* and the proposed cultural and educational uses are permissible. A small section of the proposal would be partly located within the Iveagh Gardens which is zoned "Z9" which seeks *"To preserve, provide and improve recreational amenity and open space and green networks"*. Open space is permissible use whilst cultural and recreational buildings and uses are open for consideration. The proposed development of the site for a National Children's Science Centre would be compatible with these zoning objectives and the proposal is therefore acceptable in principle.
- 7.2.6. I note concerns were raised about the need for and siting of the NCSC. In this regard I draw the Boards attention to Policy CU5 - *Investing in our Culture, Language and Heritage 2018 – 2027* of the CDP which sets out that it is a policy of the Council to support the planned upgrade and investment in national cultural institutions within the city (as outlined in *Investing in our Culture, Language and Heritage 2018 – 2027*) including the National Concert Hall and section 12.5.2 Cultural Hubs and Quarters which recognises that *"significant investment has seen transformative improvements to the quality of space including the National Gallery, upgrades to the National Library, the Natural History Museum and the proposed development of a new National Children's Science Centre at Earlsfort Terrace..."* I am satisfied that there is policy support for the NCSC at this location. I am further satisfied that the site is suitably located in terms of accessibility having regard to its city centre location and the proximity to public transport.

Conclusion

The Development Plan confirms that ‘Cultural and Educational’ use is permitted in principle and ‘Cultural and Recreational’ use is open for consideration on the site as set out in the land use within zoning matrix. In this regard, I am satisfied that the proposed development would be consistent with the land-use zoning objectives Z8 and Z9 as set out in the Development Plan 2022-2028 subject to detailed consideration below.

Dublin is one of few European cities that does not have a world class space for science exploration for younger people. Policy CU8 - *South Georgian Quarter Cultural Hub* of the Development Plan 2022-2028 seeks to support the role of the South Georgian Quarter as a cultural hub of national significance and to support the growth and use of buildings within the area for cultural, heritage and artistic purposes included in this is the proposed National Childrens Science Centre. I am satisfied that the site is suitably located on appropriately zoned lands within a recognised Cultural Quarter of Dublin City and in compliance with CU4 and CU5 of the CDP and would provide a positive contribution to the city.

7.3. Impact on Built and Cultural Heritage

Introduction

- 7.3.1. As set out above the National Concert Hall, including main building, boundary walls, gates and railings are Protected Structures RPS Ref. No. 2425 and the Real Tennis Court RPS Ref. No. 2426. The Iveagh Gardens are also included in the RPS under the entry “Iveagh House (Department of Foreign Affairs) and Iveagh Gardens including stone garden folly” RPS Reg. No. 7791. The National Concert Hall and Iveagh Gardens are located within a red-hatch conservation area. Both the NCH and Real Tennis Court Building are also listed on the National Inventory of Architectural Heritage (NIAH.) The general presumption as set out in Chapter 11 of the Development Plan is to protect, preserve and conserve the character and setting of Protected Structures (BHA2) and Conservation Areas (BHA7).

Works to the National Concert Hall & Proposed Extension

- 7.3.2. The northern and part of the eastern wings of the NCH, which is a designated Protected Structure, would be refurbished and restored on all floor levels. The

proposed works would include the removal of all internal partitions and intrusive non-original additions to the building to provide space for the NCSC and ancillary accommodation. All original internal features including roof lights, ceilings, floors, doors, windows and woodwork would be restored and a new main entrance door would be inserted in the position of an existing window in the northern elevation.

7.3.3. The new 4-storey over basement building with a planetarium dome would be located to the rear (West) of the NCH along the boundary with the Iveagh Gardens. It would be integrated with the existing building to form the new National Children's Science Centre (NCSC) with a new plaza that would open on to the northwest section of the Iveagh Gardens. The new extension is linked via a glazed atrium separating the extension from the NCH. The new building reflects a contemporary form with finishes including limestone, a zinc dome and high-quality glazing. I note the Conservation officer sets out that none of the key features of the new building such as string courses or parapet have any particular relationship with the Protected Structure, and the upper window openings and largely solid stone clad façade beneath the double height colonnade on the north elevation. The height of the proposed new building parapet is 4.8m higher, and the top of the proposed planetarium dome is c.11m higher than the existing parapet of the north wing of the Butler Building. However, the height of the new parapet is comparable to the height of the existing parapet of the central blocks of the National Concert Hall. The design contrasts effectively with the Protected Structure clearly distinguishing old from new.

7.3.4. The application was accompanied by an Architectural Heritage Impact Assessment and photographic survey of the main elements of the building. I note the Conservation Officer raised concerns as regards minor conflicts in the drawings as they relate to the new main entrance and proposed science show theatre, in addition to proposed acoustic louvre structures on the roof of the new building. Overall, the Council's Conservation officer was satisfied with the scale and nature of the proposed works subject to compliance with a series of very detailed conservation conditions, I would agree. I note the concerns raised as regard the impact in architectural heritage, however, I am satisfied that the proposed extension by virtue of contrasting design, in particular, the unique planetarium dome and subordinate form does not detract from the character and setting of the NCH or the Real Tennis Building and is in accordance with Policy BH2 of the Development Plan. I am satisfied that the proposed

refurbishment and restoration works are considered appropriate for the building, provide for the continued active use of the building and are in keeping with the 2011 Architectural Heritage Guidelines.

Real Tennis Court Building

- 7.3.5. It is proposed that the Real Tennis Court Building be restored to its original volume, including the reinstatement of the lost internal sloped timber penthouse structures on three sides of the court. All original polished Galway limestone to the walls and floor will be fully cleaned, restored or replaced where necessary. Previous interventions in this wall, including door openings, will be repaired or improved to provide access to the court from the south. The existing high-level windows will be restored and reused providing the natural ventilation required for the building. The brick wall to the south, formally a boundary wall c.1914, will be taken down and replaced with a new brick wall. The corrugated roof c. 1985 between this wall and the Real Tennis Building will be removed and an accessible foyer space and support facilities orientated to the Science Centre and Concert Hall will be provided. The renovated Real Tennis Court Building is also intended to act as an independent event space, with the proposed restoration works offering the possibility of the sport of Real Tennis being played on the court once again. The building will link into a below ground connection to the North Wing of the proposed NCSC.
- 7.3.6. The Real Tennis Association in their appeal raise concerns about the use of the space for a Real Tennis Court and as temporary exhibition space, it is their contention that the space should be reserved solely for the use of Real Tennis. This opinion is shared by An Taisce. It is further argued that the conditions imposed as they relate to the Real Tennis Court are contradictory and as such clarity as to the permanency of the works and features required for the Real Tennis Court to be restored to a playable condition are required, specific reference is made in the appeal to the proposal for penthouses and the nature of same – permanent or temporary.
- 7.3.7. I acknowledge the uniqueness of the Real Tennis Building and the social and cultural history attached to its former use. I note both the Architectural Heritage Impact Assessment accompanying the application and condition no. 5 emphasis the uses of the Real Tennis Court Building either for the potential for Real Tennis or as an exhibition space. In this regard, I agree with the PA that it is important that any

restoration works to the Real Tennis Building (RTB) can accommodate exhibitions whilst also facilitating the use of the RTB for occasional Real Tennis matches and I consider this to be the most viable solution for the building.

- 7.3.8. As regard the specific concerns raised in the appeal in relation to condition no. 5. I agree with the first party that condition no. 5 does not contradict the findings of the AHIA, both highlight the flexibility of the space to accommodate both uses. Both the AHIA and condition no. 5 clearly state that the penthouses are either “temporary” or “demountable”, as permanent penthouses would impact the viability of the space to host exhibitions. In my opinion, the confusion arises over the wording in condition no. 5 of “*for the temporary reinstatement of the penthouse galleries.....*” I am satisfied that the rewording to replace “*temporary*” with “*demountable*” will clarify any concerns in this instance. Condition no.5 also does not state that the Real Tennis Court is to be secondary or inferior to the use of the space as an exhibition space. In addition, I am satisfied that subject to replacing the word “*temporary*” with “*demountable*” there is nothing in condition no. 10(g) that contradicts condition no. 5. Condition no. 10 (g) calls for a detailed strategy to facilitate the demountable panels to facilitate both uses. I am satisfied that this matter can be clarified and addressed by way of an appropriately worded condition.
- 7.3.9. As regards, the principle of demountable penthouses, I note the first party set out in their response that T&RA which is the governing body for the sports of Real Tennis and Rackets in the UK promotes ‘Modular Tennis Courts’ which are demountable prefabricated Real Tennis Courts. The only prerequisite is that there is a large internal space to house the court, which the restoration of the Real Tennis Court building would provide. In this regard, I am satisfied that the proposed demountable prefabricated Penthouses represent an appropriate design solution and will allow for the continued and active use of this space for both Real Tennis and exhibitions, I am further satisfied that the works would not have an adverse impact on the character and setting of the Protected Structure.
- 7.3.10. In summary, I consider that the first party has sought to retain and restore the building for use as a Real Tennis Court whilst also providing for an alternative use as an exhibition space and that this is a prerequisite for contemporary science centres. The active use of any structure is the best way to ensure the longevity of a building and given the previous use was as a lab associated with UCD school of Engineering the

current proposal represents a significant planning gain. The restoration of the Real Tennis Building will be carried out in accordance with best practice conservation principles. I am satisfied that subject to adherence to the recommended conditions of the DCC Conservation officer the proposed works would not have an adverse impact on the character and setting of the Protected Structure.

Demolition Works

- 7.3.11. Section 57(10)(b) of the Planning and Development Act 2000 (as amended) states: “A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.” Accordingly, as the proposed development includes a proposal for the demolition of certain curtilage structures and features of protected structure RPS Ref.: 2032, the Board must consider and determine whether exceptional circumstances exist which allow the granting of planning permission, in accordance with section 57(10)(b) of the Planning and Development Act 2000 (as amended).
- 7.3.12. The Development Plan states in Section 11.5.1 / Policy BHA3, that planning permission for the demolition or substantial demolition of a protected structure will only be granted in exceptional circumstances. With regards to demolition, the Development Plan states that it may be permitted where it will secure substantial public benefit or where there is no other viable option. *“It is accepted that in some circumstances, the loss of a protected structure may be the only option, and this may be permitted where it will secure substantial public benefit or where there is no other viable option.”*

Workshop

- 7.3.13. The existing structures to be demolished include the existing stone workshop and ancillary buildings to make way for the new 4-storey over basement extension. The first party has justified the removal on the basis that its removal will facilitate universal access and the creation of a more generous, formal and open external connection between the NCH/NCSC site and the Iveagh Gardens. The provision of a photographic and drawn record of the existing building is acknowledged and the stones will be re-used elsewhere in the project which is considered to be acceptable.
- 7.3.14. I consider that demolition is justified in this case in order to facilitate the development, the provision of universal access and quality layout. Accordingly, I have no objection in principle to the demolition of the stone workshop.

Iveagh Garden Boundary Wall

- 7.3.15. The proposed works also include the removal of a section of the original stone boundary wall between the National Concert Hall site and the Iveagh Gardens. The objectors, observers to the appeal and An Taisce all raise concerns in this regard. The first party contend this new space will connect the existing Iveagh Gardens to the new 4-storey building and National Children's Science Centre and while the eastern boundary wall is of historical value, it partitions the gardens from the National Concert Hall area, which predate the boundary wall and were historically interlinked.
- 7.3.16. By way of background, the present stone boundary wall between the Iveagh Gardens and the National Concert Hall site is an early 20th century intervention following the removal of the glazed Winter Garden Exhibition Palace (1865) with its central curved breakfront, which addressed the central axis of the gardens. The boundary wall was constructed after the National Concert Hall buildings were sold to the Commission of Public Works in 1882 and the garden retained for private use by Edward Cecil Guinness. The proposed removal of c.52m length of the stone boundary wall to facilitate the construction of the four-storey-over-basement NCSC positioned directly on the boundary is a significant intervention that will have an impact on the established 'secret' setting of the Iveagh Gardens.
- 7.3.17. However, whilst the proposed design does not attempt to disguise the extension and make it appear to belong to the historic fabric and whilst the loss of c.52m of boundary wall is regrettable, the position of the new extension and the landscaping screening will ensure the sense of enclosure associated with the Iveagh Gardens is retained. I am satisfied that the removal of the workshop and a portion of the boundary wall will help re-establish the link between the Iveagh Gardens and Earlsfort Terrace and enable the gardens, the NCH complex and the Children's Science Museum to be experienced together as was the original site strategy.

Real Tennis Building Lean-to Structure

- 7.3.18. Demolition works also include a 200 sq.m single storey lean-to structure located to the south side of the Real Tennis Court building. The 200sqm structure to be demolished will be reconstructed to provide universal access to the Real Tennis Club building and house wet uses such as toilets to ensure the integrity of the Real Tennis Club not

compromised. I have no concerns in this regard, and I note the PA raised no concerns also.

Summary of Demolition Works

7.3.19. The assessment above considers structures proposed for complete demolition to be within the curtilage of these protected structures. I have summarised the need for demolition - analysis of exceptional circumstances for clarity below:

Structure / feature to be demolished	Summary analysis of the exceptional circumstances arising
Workshop	<ul style="list-style-type: none"> • Removal will facilitate universal access and the creation of a more generous, formal and open external connection between the NCH/NCSC site and the Iveagh Gardens.
Portion of Eastern Boundary Wall of the Iveagh Garden	<ul style="list-style-type: none"> • Required to facilitate the construction of the new extension and facilitate universal access.
Real Tennis Building - Lean-to Structure	<ul style="list-style-type: none"> • Later addition • Replacement structure proposed.

Impact on Setting and Curtilage

7.3.20. The proposed scheme would have an impact on the setting of the protected structures, however, I am satisfied that the scheme represents a high-quality contemporary development, and the NCH complex remains a dominant and central structure. I am further satisfied that the context of the Real Tennis Building is protected through appropriate design interventions and landscape proposals which include tunnelled access rather a surface link between the NCH and the Real Tennis Club Building allowing the Real Tennis Club to remain an independent form at street level. The conservation and refurbishment of the protected structures on site will represent a significant public and cultural benefit.

7.3.21. On completion of the development the cumulative impact of the new development and refurbishment works on the existing historic buildings will be significant and largely positive despite the loss of elements of the historic and protected structures. The loss

of value resulting from the demolition of heritage structures is mitigated against through archival recording. I consider that any negative impact on the fabric, character and setting of this historic complex is outweighed by the significant public benefit of the provision of a National Children Science Centre.

Archaeology

- 7.3.22. An Archaeological desk study and Impact Statement accompanied the planning application. While there are no archaeological monuments within the site, the site lies on outside the Zone of Archaeological Potential for the historic town of Dublin (DU018:020). The report notes that groundworks associated with the construction of the New Children's Science Centre could impact on subsurface industrial archaeological material associated with the nineteenth century Winter Garden and Exhibition Palace, which represents an important period in Victorian industrial archaeology. The report recommends archaeological testing be carried out. I note the DCC Archaeology Department agree. A suitable condition shall be included in any grant of planning permission.

Conclusion

Having regard to all of the above, I am satisfied that the proposed development would not have an adverse impact on the integrity, or character and setting of any Protected Structures in the area, subject to compliance with conservation and archaeology conditions. The proposed development would not have an adverse impact on the amenities of the Conservation Area within which the development would be located. Furthermore, the use of this site will provide a much-needed space for the exploration of STEM subjects by children and a space for children to be immersed in science. The proposed National Children's Science Centre would constitute a positive and sustainable adaption and re-use of historic buildings that will extend their long established cultural and educational usage into the future.

7.4. Trees and Biodiversity

Trees

- 7.4.1. Pom Boyd appeal of behalf of The Iveagh Trust raised concerns about the loss of trees and undergrowth on site and note that the proposed landscaping plan will not replace undergrowth and mature trees relying instead on 'hard landscaping, box hedging and

pleached laurels' and runs contrary to the EPA aims and the EU strategy on Biodiversity 2030 As set out in the Development Plan.

- 7.4.2. In response the first party note that four trees only are to be removed to facilitate the development (1 no. category A London Plane and 3 no. category C). The partial removal of the understory of a further two trees will be carried out to facilitate the new public realm works but should not impact the health of the trees. The first party also set out that subsequent to the previous planning application (DCC Reg. Ref. 2362/16/ ABP PL29S.246621) much consideration was given to reduce the extent of hard landscaping and reduce the number of trees to be removed and the design has been informed by arboriculture advice. As regards the loss of the mature London Plane, I note the Arboriculture Report states that the loss will not have a significant visual impact on the wider landscape character as the surrounding mature trees will all be retained, and the removal of the low-quality trees will have a negligible impact. While it is regrettable that any tree should be lost, I do not consider the loss of four trees to be considerable in light of the scale of the development. Subject to compliance with the recommendations imbedded in the Arboriculture Report including supervision of works, I am satisfied that the development is acceptable.

Bats

- 7.4.3. Concerns have been raised about the impact of the development on bats. The bat surveys conducted in July and August 2022 observed no bats entering or emerging from the existing buildings with the development site. During survey periods, two species of bats were recorded using the Iveagh Gardens for foraging and commuting: Soprano bat and Leisler 's bat. The report concluded there were no bats nesting on site or using the existing structures. Subject to compliance with the mitigation measures set out in Section 6 of the Bat Survey Report which focuses on the protection of bats from accidental harm during site clearance, minimising the effects of lighting on bats during construction and minimising habitat loss, I am satisfied that the development is acceptable.

Birds

- 7.4.4. Some concerns were raised about the impact of the development on birds. The AA and EIA screening report determined that given that the site is urban in nature comprised of built structures, only herring gull and black-headed gull would be

expected to be present using the rooftops for roosting. The rooftops within the development were surveyed for the presence of herring gull nest sites. Adolescent herring gulls were noted on the buildings, but no nests were identified. The AA Screening states that that construction related disturbance and displacement of Birds would not be expected to extend beyond a distance of c. 300m, noise levels would attenuate to close to background levels at this distance. The build time is expected to take to be between 18-24months. Having regard to the above, I am of the view that the development will not result in any detrimental impact on birds.

Conclusion

The proposed development is not removing any green space and is restoring an historical connection between the site and the Iveagh Gardens. The overall size of the Iveagh Gardens will not be reduced as a result of the proposed development and therefore there will be no loss of amenity or impact on existing park users as a result of the development, a concern also raised in the appeals. I note also that section 3.2.2 *Habitats* of the AA Screening report states that the habitats on site are of low ecological value. Therefore, I conclude that the proposed development will not result in significant effects on biodiversity.

7.5. Other Matters

Engagement/ Planning Process

- 7.5.1. The third-party appellants and observers refer to a lack of public consultation with respect to the application for the proposed development. I note that the notices and details submitted regarding the application were considered acceptable by the Planning Authority and I am satisfied that concerned parties and the public were presented with opportunities to make submissions at application and appeal stage.
- 7.5.2. The appeal on behalf of the Real Tennis Association argues that the technical nature and volume of the conditions imposed and the agreement detailing and further assessment through planning compliance exclude informed third-party involvement. It is set out that the conditions contained in the DCC permission covers matters such that third parties will be detrimentally affected. The conditions are considered inappropriate in the context of Section 7.9 of the Development Management Guidelines (to avoid the use of conditions that require matters to be agreed) and further information should have been requested.

- 7.5.3. The first party contend that further information is not warranted as none of the conditions are unexpected. I agree and I further consider the compliance conditions in this instance will not materially alter the principle of any grant of planning permission but relate primarily to the principle of ensuring appropriate and considered conservation works. Regarding reference to section 7.9 of the Development Management Guidelines the first party note that throughout the planning process the Real Tennis Association have had opportunity to make submissions but have not even in their appeal submission provided alternatives as to what would be suitable to them. I would agree.
- 7.5.4. As regards specific reference to the concerns raised regarding further consultation/engagement with the Real Tennis Association it is of relevance that the Irish Real Tennis Association are not the owners of the building and do not have any planning or legal rights to the building, for the purposes of section 7.9 they are observers. Condition 10 (g) stipulated the applicant engage a Real Tennis Specialist to advise on the restoration of the Real Tennis Court. I consider this a reasonable measure to ensure the development works reflect the standards required to play the game of Real Tennis on the site whilst also ensuring that any works protect the architectural heritage value of the building.
- 7.5.5. I am satisfied that the conditions in this instance are acceptable and the detailed condition no. 10 of the DCC Conservation Officer should be included in any recommendation to grant planning person should the Board be minded to do so.

Metrolink

- 7.5.6. The proposed Metrolink project will run beneath the eastern portion of the application site in proximity to Earlsfort Terrace. A Railway Order application has been lodged with An Bord Pleanála and a portion of substratum land (Ref. No. ML6D-U8 on Sheet No. ML-P306D-E, Metrolink Property Details, Saint Stephen's Green to Hatch Street Lower), has been referenced for acquisition to construct and operate Metrolink.
- 7.5.7. Due to the proximity of the proposed development to the Metrolink tunnel, the NTA recommends that further information is sought from the applicant to ensure that the proposed development is compatible with proposed Metrolink infrastructure. Liaison with the NTA will be required in this matter. The scheme will ultimately benefit from the proximity to any future Metrolink. A suitable condition should be attached to any grant

of planning permission in accordance with the recommendation of the National Transport Authority should the Board be minded to grant planning permission.

8.0 **Environmental Impact Assessment Screening**

8.1.1. The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

8.1.2. With regard to EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

8.1.3. Class 13 of Schedule 5 relates to Changes, extensions, development and testing.

(a) Any change or extension of development which would: -

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than-

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

- 8.1.4. Class 14 of Schedule 5 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 8.1.5. Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 8.1.6. A detailed description of the development is outlined in section 1.2 of the report. In summary, it is proposed to demolish 752sqm of existing structures on site and to refurbish, restore and construct a new extension including change of use of University College Dublin School of Civil Engineering to the National Children's Science Centre with a floor area of 9580sqm. The site has an overall area of c. 0.837ha and is located in what can be classed as a business district area. The site is primarily zoned Z8 – Georgian Conservation Area. The predominant use in the area is Office. However, the site size is significantly below the applicable threshold of 2 ha for a 'business district'.
- 8.1.7. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 8.1.8. The site forms part of the grounds of The National Concert Hall, Real Tennis Court and Iveagh House (Department of Foreign Affairs) and Iveagh Gardens and is largely surrounded by office developments. Cultural/Education use is already established in this area and is supported under the zoning objective. The introduction of additional cultural/educational development will not have an adverse impact in environmental terms on surrounding land uses.
- 8.1.9. The proposed development will not increase the risk of flooding within the site, and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. There are three Protected

Structures on site and the site is within an ACA, the Conservation Assessment accompanying the application determined no significant detrimental impact on the Protected Structures or the ACA as a result of the development. The site does not support substantive habitats or species of conservation significance, as highlighted in the AA, Arboricultural Assessment and this EIA Screening Assessment submitted with the application. In total two species of bat were detected; no bats were detected entering or emerging from the existing building on site. There is no suitable habitat for otter within the proposed site. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 9 of this report. While there are no archaeological monuments within the site the site lies on outside the Zone of Archaeological Potential for the historic town of Dublin (DU018:020) with archaeological assessment and comments from the Archaeology, Conservation and Heritage (Archaeology Officer) section of the Planning Authority recommending various measures to preserve or preserve by record archaeological material likely to be damaged or destroyed during the course of the proposed development. The nature and the size of the proposed development alongside this existing development remains below the applicable class 10(b) thresholds for EIA.

- 8.1.10. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. In addition, noting the requirements of Article 103(1A) (a) of the Planning Regulations, the first party has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive
- 8.1.1. Under the relevant themed headings, the EIA screening information prepared by the first-party appellant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have

significant effects on the environment (Table 7-1). I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 103(1A) (a) of the Planning Regulations has been submitted.

- 8.1.2. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

9.0 **Appropriate Assessment**

9.1. **Introduction**

Information Submitted

- 9.2. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.

9.2.1. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

European Sites

9.3. A summary of European Sites that occur within a 15km radius of the proposed development are set out in Figure 2 of the applicant’s Screening Report. I note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites are South Dublin Bay and River Tolka SPA, and South Dublin Bay SAC, both located 2.9km northeast of the site in Dublin Bay. North Bull Island SPA and North Dublin Bay SAC are at a distance of 5.9km. There are several other Natura 2000 sites within the wider Dublin Bay area.

9.3.1. The development site is not within or directly adjacent to any Natura 2000 site. The AA Screening Report on file considers the following designated sites within a 15 km radius of the development site for screening purposes:

Initial Assessment of European Sites and Zone of Influence

European Site (Code)	Distance (km)
SAC’s	
South Dublin Bay SAC (000210)	2.9km
North Dublin Bay SAC	5.9km
Wicklow Mountain SAC (002122)	10.8km
Baldoyle Bay SAC (004016)	11.1km
Howth Head SAC (000202)	11.2km
Rockabill to Dalkey Island SAC (003000)	11.2km
Glenasmole Valley SAC (001209)	11.2km
Malahide Estuary SAC (000205)	14.1km
SPA’s	
South Dublin Bay and River Tolka Estuary SPA (004024)	2.9km
North Bull Island SPA (004006)	5.9km
Wicklow Mountains SPA (004040)	11km
Baldoyle Bay SPA (004016)	11.2km

Dalkey Islands SPA (004172)	12.5km
Malahide Estuary SPA (004025)	14.2km
Ireland Eye SPA (004117)	14.7km
Howth Head Coast SPA (000411)	14.8km

Appendix 1 of the AA Screening Report includes the QIs/SCIs of the European site listed above. Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

- 9.3.2. The application site is not located within or adjacent to any European site. The nearest waterbody to the subject site is the Grand Canal, located approximately 460m to the south of the site boundary. There is an indirect hydrological connection to this waterbody via surface water drainage (during construction and operation) to European Sites located within Dublin Bay via the proposed surface water drainage strategy.
- 9.3.3. There is also an indirect hydrological connection to European Sites within Dublin Bay via foul wastewater drainage. Foul wastewater will be directed to an existing public foul network, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment.
- 9.3.4. Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).
- 9.3.5. Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation

objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

Identification of likely effects

9.4. The Conservation Objectives (CO) and Qualifying Interests of the relevant sites in inner Dublin Bay are shown in Table 3 below.

Table 3: Summary of relevant European Sites.

European Site	Conservation Objective	Qualifying Interests
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.	Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]
North Dublin Bay SAC (000206)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] / Mediterranean salt meadows (Juncetalia maritimi) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with Ammophila arenaria [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / Petalophyllum ralfsii (Petalwort) [1395].
South Dublin Bay and River Tolka Estuary	To maintain or restore the favourable conservation condition of the bird species listed as Special	Light-bellied Brent Goose (Branta bernicla hrota) [A046] / Oystercatcher (Haematopus ostralegus) [A130] / Ringed Plover (Charadrius hiaticula) [A137] / Grey Plover (Pluvialis squatarola) [A141] / Knot (Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Bar-

SPA (004024)	Conservation Interests for this SPA.	tailed Godwit (<i>Limosa lapponica</i>) [A157] / Redshank (<i>Tringa totanus</i>) [A162] / Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] / Roseate Tern (<i>Sterna dougallii</i>) [A192] / Common Tern (<i>Sterna hirundo</i>) [A193] / Arctic Tern (<i>Sterna paradisaea</i>) [A194] / Wetland and Waterbirds [A999]
North Bull Island SPA (004006)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] / Shelduck (<i>Tadorna tadorna</i>) [A048] / Teal (<i>Anas crecca</i>) [A052] / Pintail (<i>Anas acuta</i>) [A054] / Shoveler (<i>Anas clypeata</i>) [A056] / Oystercatcher (<i>Haematopus ostralegus</i>) [A130] / Golden Plover (<i>Pluvialis apricaria</i>) [A140] / Grey Plover (<i>Pluvialis squatarola</i>) [A141] / Knot (<i>Calidris canutus</i>) [A143] / Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149] / Black-tailed Godwit (<i>Limosa limosa</i>) [A156] / Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] / Curlew (<i>Numenius arquata</i>) [A160] / Redshank (<i>Tringa totanus</i>) [A162] / Turnstone (<i>Arenaria interpres</i>) [A169] / Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] / Wetland and Waterbirds [A999].

9.5. Consideration of Impacts

- 9.5.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 9.5.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- increased disturbance as a result of construction activity;

- surface water drainage from the proposed development site during the construction and operational phases;
- increased wastewater being sent to Ringsend WWTP during the operational phase of the proposed development;

Assessment of Likely Significant Effects on Designated Sites

- 9.5.3. Having regard to the separation distance from European Sites and the characteristics of the site including the urban context and on-going active uses. The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. No ex-situ impacts on qualifying species are therefore considered likely and it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.
- 9.5.4. The Grand Canal is c.460m south of the site. I note the Site-Specific Flood Risk Assessment identified the site in Flood Zone C, outside the 1 in 100 and 1 in 1000-year fluvial flood extents. In terms of potential hydrological connection from the surface water runoff or storm overflows to the river during construction and operational phases. I consider given the location of the site in a built-up area, there is no potential for pollution to enter the watercourses, across the terrestrial buffer via overland flow. Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. Any potential pathway is via discharges to the surface water drainage network.
- 9.5.5. In relation to the operational phase of the development, I note surface water from the proposed development will discharge to the public surface water sewer system.
- 9.5.6. It is a policy of Dublin City Council to require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works". CIRIA Design Manual C753, C697 and C609 have been used to design the surface water drain system in addition SuDS measures that will be incorporated into the proposed development. It is not anticipated that there will be significant effects on the environment as a consequence of the proposed development. Furthermore, the scale of the proposed development relative

to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the subject site from European sites in the Dublin Bay area (dilution factor), including the Grand Canal.

- 9.5.7. It is proposed to discharge foul sewerage for the NCSC into a new 225mm sewer which will in turn discharge into the existing private combined drainage infrastructure before existing the site to the public combined sewer means of a new sewer and discharge to the public sewer. Foul sewer from the North Butler Wing will continue to discharge into the existing combined private drainage network. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP (i.e. South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

In Combination/Cumulative Impacts

- 9.5.8. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP.
- 9.5.9. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2022-2028. The Development Plan has been subject to AA by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative

effects to European sites are not arising. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. Dublin Bay is currently classified by the EPA as being of “unpolluted” water quality status. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

9.5.10. I have had regard to the planning history of the area and the nature and extent of permitted development in the vicinity. Similar to the proposed development, I consider that the cumulative impact of these other projects would not be likely to have significant effects on any European Sites.

9.5.11. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

Mitigation Measures

8.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

AA Screening Conclusion

8.20. It is reasonable to conclude that, on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites’ Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required

10.0 Conclusion and Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED subject to the following conditions.

11.0 Reasons and Considerations

Having regard to:

- a. The site's location on land primarily zoned 'Z8' where Cultural and Educational use is a 'permissible use' and 'Z9' where Open space is a permissible use, and cultural/recreational buildings and uses are open for consideration.
- c. The policies and objectives in the Dublin City Development Plan 2022-2028
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- j. The provisions of Section 57(10) of the Planning and Development Act 2000 (as amended)
- k. Submissions received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Dublin City Development Plan 2022-2028 and would not seriously injure the amenities of the area, would not detract from the character and setting of the Protected Structure or the Architectural Conservation Area, would be acceptable in terms of design and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29th September 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall

agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. As regards the Real Tennis Building, prior to the commencement of development, the developer shall submit the following:
 - a) detailed design proposals for demountable penthouse galleries and any other essential features required for playing Real Tennis matches. The demountable structures shall be robust and durable and designed in a manner which allow for efficient on-site assembly, dismantling and storage.
 - b) The developer shall engage the input of a Real Tennis specialist in the Design Team to ensure that all of the key features are designed in accordance with all relevant Real Tennis Guidelines, and that no improvement works including the design of the Penthouses, wall and floor surfaces, services and additional or widened openings will interfere with the use of the Real Tennis Court for Real Tennis.
 - c) A detailed strategy for temporary exhibitions/other uses to include protection measures for the floors and walls, and details of any demountable panels within the penthouses to facilitate additional access into the Real Tennis Court play area.
 - d) Details of information boards providing a brief history and rules of the game of real tennis and its association with the Real Tennis Building including its original purpose to be displayed in the building in prominent locations.

Reason: In the interest of the protection of the architectural, cultural and social heritage of the area.

3. The following requirements of Dublin City Council's Conservation Department shall be complied with:
 - a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure

adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

b) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

f) The developer shall facilitate a site visit(s) by the Conservation Officer to inspect the works and samples/exemplars at key stages, or to discuss any previously undiscovered items that come to light during the stripping out works.

g) Prior to the commencement of development, the developer shall submit the following information:

New Building:

New Roof Louvres:

- Reconsider the position, height and detailing of new louvres indicated at roof level, as the placement of plant and equipment on the new flat roof should be avoided altogether if possible, and if necessary, should only be located in the least visible/prominent positions and kept to a minimum. Submit revised 3D visualisations to indicate the additional louvre structures to facilitate the proper assessment of these structures and revised drawings that either omit all roof plant and acoustic louvred screens or present a rationalised and more sensitive approach to the design.

New louvres at roof level on the Butler Building:

- Clarify the purpose and key dimensions of the louvres indicated above parapet level on the north elevation of the Butler Building and clarify whether these will be visible from the new access connection at ground level.

Proposed bin store (10m long x 3m wide x 3m high):

- Consider whether there an alternative location where these could be placed to avoid the visual impact on the Protected Structure, or alternatively lowered in height (Ref. drawings 026 and 111).

Revised railing arrangement (omissions) - west elevation:

- Clarify the amendments to the railing arrangement between the piloti on the west elevation of the new building, and submit 1:20 plans, sections and elevations of a typical bay, indicating the fixing position and meeting rails, as these will have a significant visual impact on the presentation of the new building to the Iveagh Gardens.

Samples:

- Submit samples of the proposed new stone cladding materials to ensure a light-coloured warm hue as illustrated on the rendered drawings.

Landscaping:

- The retention of the Count John McCormack statue in its existing location as indicated on Drawing 005-1 is somewhat arbitrary within the context of the new landscaping arrangement, the developer shall address same in the context of a revised proposal.
- The developer shall submit a clear comparative drawings (plans, sections, elevations) of the entirety of the northwest corner of the Iveagh Gardens that is to be altered to accommodate new gravel and stone ramped paths, planted beds, and steps, indicating how these areas will be retained by walls/banked earth/other means and clearly indicating the trees that will be removed and the protection of roots, to indicate the above-ground beams / foundation details for the new building that will avoid damage to tree roots.

Demolition methodologies:

- Ensure that the stone boundary wall, stone walls and slate roofs to the workshop, red and yellow brick walls to the Real Tennis Building (south elevation) are carefully dismantled so that the salvaged stones, bricks and slates can be reused preferably within the site, for conservation repairs and landscaping works.
- The developer shall submit proposals to highlight the original internal partition locations to facilitate an understanding of the historic floor plan.

Butler Building:

Roof Lanterns:

- Submit 1:20 section drawing(s) of the lantern types, including details of AOVs and key timber profiles and lead details, endeavouring to retain as much of the historic timbers and glass as possible where it is sound, and provide a record as-built drawing indicating historic and new materials.

Floor finishes:

- Submit a set of floor plans indicating existing all historic floor finishes (tiles, stone, timber), defects and proposed repairs where required, and proposed floor finishes.

Conservation Repairs:

- Repairs to all historic fabric must be carried out to best conservation practice and agreed with the design team conservation architect and conservation officer prior to commencement of the works.

Ceiling and Wall Finishes:

- Carry out paint analysis in key locations to determine historic decorative finishes and provides a set of drawings indicating proposed colours for the final decorative scheme (avoiding the colour choices indicated in AHIA Image 4.11 Corridor Ceilings).

Strengthening of concrete downstands and floor slabs:

- Submit reflected ceiling plans (RCPs) clearly indicating all existing decorative features and where strengthening interventions are required, accompanied by a 1:10 section detail illustrating the proposed approach, avoiding the loss of decorative mouldings and cornices. All proposed losses of decorative features to be indicated on the RCPS.

Butler Building Second Floor staircase and lightwell:

- Submit 1:20 plans, sections and elevations illustrating the proposed intervention to provide the required guarding height to the balustrade surrounding the lightwell and original staircase.

Basement water proofing strategy:

- Submit a detailed method statement for addressing damp issues in the basement for the approval, noting that there is not an issue with rising damp in the walls or water penetration from the street level above (AHIA p.123).
- Proposed science show theatre: clarify anomaly between Drawing 111 (which implies stepped wall linings) and Drawing 148 and submit 1:20 plans, sections and elevations of the proposed theatre layout and riser doors.

- Clarify the riser layouts and door arrangements on Drawings 111 and 148 - as this elevation, albeit a new intervention, will be prominent within the room and will need to be sensitively detailed.

Existing and Proposed Doors/Openings:

- Submit a detailed door schedule which identifies all historic glass to be retained, and where new glass to match existing is required (where damaged/missing), key defects and proposed conservation repairs and clarify what works are intended by the dotted hatch on Drawing 140 on doors DG03-01,02,03,04 and DG04-01 which is not included in the legend.
- Demonstrate that all alternatives have been investigated to retain the original doors where fire rated performance is sought
- Proposed Main Entrance Doors DG01-01 (north elevation of the Butler Building): Submit 1:20 part elevation that includes the proposed new entrance doors, the intermediate decorative spandrel and window at first floor level, and first bay on either side of the breakfront to determine the appropriate proportions and detailing of the doors and over-panel, include 1:20 plan and section through new doors and 1:10 key details.
- Clarify whether proposed door DB 10-02 (Drawing 602) is timber or metal and investigate/demonstrate suitable proximate doors/windows to determine the best position for the horizontal rail/door head/glazed over-panel on the new door, to ensure visual consistency.
- Clarify proposed alterations and linings to pair of openings in Lift Lobby on annotated 1:20 drawings (all floor levels) • Proposed draught lobby to the new main entrance and ticket office on the north elevation of the Butler Building on the Ground Floor Plan Drawing 111: clarify anomaly with what is indicated on Drawing 147 and provide 1:20 plans, sections and elevations of the proposed draught lobby and doors

Existing and Proposed Windows:

- Submit a detailed window schedule that records all surviving historic glass and required replacements of damaged glass only, key defects and proposed conservation repairs, removal of film and vents etc. The repair rather than replacement of original windows is guided in all instances when dealing with historic properties. An experienced conservator of historic joinery / heritage contractor is recommended.
- Clarify what works are intended for the dotted hatch indicated on e.g., drawing 140

- Real Tennis Window Type 7 Drawing 601 - submit a 1:20 section and plan of the louvre window and all proposed secondary glazing to the interior, avoiding any interference with the playable surface of the court interior. If the windows are to be sealed to upgrade the thermal performance, confirm the ventilation proposals for the space.
- In addition to the aforementioned items, submit detailed methodologies for brickwork and stone repair and re-pointing where required; cleaning of and repairs to historic render and decorative work; repairs of historic boundary walls and railings

Cross referencing of documentation:

- Provide window and door reference numbers on all drawings submitted where works are proposed so that cross-referencing and efficient assessment of the proposed works are facilitated. (e.g., Real Tennis Court ground floor plan Drwg. No. 211 - new ground floor doors into Rear Tennis Court; first floor plan windows on Drwg. No. 212).
 - Provide Room Reference Names that relate to the Proposed Plan Drawings (110 - 114 inclusive) to accompany the Door/Window Reference Nos. on drawings 600,601,602,603,604 to facilitate cross-referencing, locating and assessment.
 - Include the constructed First Defenders' Memorial Garden in the updated site layout, notwithstanding its location outside the subject site, but within the receiving environment.
 - Indicate levels for all existing and new parapet and apex heights, dimensions of setbacks from the existing Protected Structures and dimensions (height and width) of proposed new openings within the Protected Structures.
- h) A copy of the finalised report regarding the historic structure to be demolished, historic building to be re-used and their original plan form, character, historic arrangement and details to be placed with the Irish Architectural Archives and the Local Authority for record purposes.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric and to protect the fabric, character and integrity of the protected structure.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

- The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
- The archaeological and historical background of the site, to include industrial heritage.
- A paper record (written, drawn and photographic, as appropriate) of any historic buildings and boundary treatments, etc.
- The nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden.
- The impact of the proposed development on such archaeological material.

c) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.

d) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the

assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.

f) One hard copy and 1 digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.

g) The developer shall comply in full of any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

h) The developer shall make provision for archaeological excavation in the project budget and timetable.

i) Should archaeological excavation occur the following shall be submitted to the Planning Authority:

- A biweekly report on the archaeological excavation during the excavation and post excavation period.
- A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.
- A final report on the archaeological excavations not later than twelve months after the completion of the excavation.

j) Before any site works commence the developer shall agree the foundation layout with the Planning Authority.

k) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

5. All service cables associated with the proposed development such as electrical, telecommunications and communal television should be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

6. The construction of the development shall be managed in accordance with a Construction Management Plan, Environmental Management Construction Plan and Construction and Demolition Waste Management Plan (CDWMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/ measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety.

7. Drainage arrangements including attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health and surface water management.

8. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council

Reason: To ensure a satisfactory standard of development in the interest of public safety.

9. No development shall commence on site until such time as the developer has liaised with MetroLink / NTA and written agreement reached to ensure the design of any substratum works, basements, underpasses and/or foundations are compatible with proposed Metrolink infrastructure.

Reason: In the interest of proper planning and orderly development.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

12. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to permission.

I confirm that this report represents my professional planning assessment, judgement and opinion of the matter assigned to me and that no person has influenced or sought to

influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector
15th January 2024

EIA -Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference (315358-22)		
Development Summary	Refurbishment, restoration and new extension including change of use of University College Dublin School of Civil Engineering to the National Children's Science Centre. (Protected Structure at the National Concert Hall, Earlsfort Terrace, Dublin 2	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. An Arboricultural Assessment were also submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Dublin City Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of development in the surrounding area, primarily comprising cultural and office use. The proposed development would provide for a National Childrens Science Centre (NCSC) within the city centre that is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed NCSC development has been designed to address the site context, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for	No

	<p>construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures and the submission of Construction and Demolition Waste Management Plan (CDWMP) which would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan, Construction & Demolition Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>The implementation of a Construction Environmental Management Plan, Construction & Demolition Waste Management Plan will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures.</p>	<p>No</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area. A suitable condition relating to Construction Environmental Management Plan will mitigate potential impacts.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Development of this site would result in an increase in population in this area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No</p>
<p>2. Location of proposed development</p>		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>The nearest European sites are listed in Section 9 of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting,</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species</p>	<p>No</p>

foraging, resting, over-wintering, or migration, be significantly affected by the project?		
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<p>There are three Protected Structures on site. The Architectural Heritage Impact Assessment concludes that the alterations to existing structures are generally minor and will result in sustainable benefits to the historic structures and will provide an opportunity to carry out essential repairs and conservation works.</p> <p>An Archaeological desk study and Impact Statement accompanied the planning application. While there are no archaeological monuments within the site the site lies on outside the Zone of Archaeological Potential for the historic town of Dublin (DU018:020). Any impact will be mitigated by Archaeological monitoring on site.</p>	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. No surface water features in the vicinity of the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>The site is a city centre location in proximity to similar social and cultural uses in addition to schools and hospitals etc. However there is no negative impact anticipated as a result of the proposal.</p>	<p>No</p>
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3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>

C. CONCLUSION

<p>No real likelihood of significant effects on the environment.</p>	<p>Agreed <input type="checkbox"/></p>	<p>EIAR Not Required</p>
<p>Real likelihood of significant effects on the environment.</p>	<p><input type="checkbox"/></p>	<p>[REDACTED]</p>

D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the proposed residential units on lands zoned within the Dublin City Development Plan 2022-2028 Z8: Georgian Conservation Area – ‘*To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective*’ where Cultural and educational buildings and uses are permissible and Z9 Amenity/Open Space Lands/Green Network with a zoning objective which seeks ‘*To preserve, provide and improve recreational amenity and open*

space and green networks'. Open space is a permissible use, and cultural/recreational buildings and uses are open for consideration within the Z9 zone; the results of the Strategic Environmental Assessment of the Development Plan;

- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project the Conservation Assessment and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____