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## **Chief Executive's Report on Submissions / Observations received in relation to the review of the Draft Scheme of Special Planning Control for Grafton Street and Environs 2019**

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### **The main elements of Draft Scheme of Special Planning Control 2019**

The Draft Scheme of Special Planning Control is a revised and updated version of the earlier 2013 scheme and covers the same geographical area, based on the boundary of the Architectural Conservation Area.

The purpose of the Scheme of Special Planning Control is to reinvigorate Grafton Street as the South City's most dynamic retail experience underpinned by a wide range of mainstream, independent and specialist retail and service outlets that attract both Dubliners and visitors to shop, sit and stroll, whilst re-establishing the area's rich historic charm and urban character. To help achieve its aims, the Scheme sets out objectives and development management measures to enhance the character of the street, including measures to protect existing uses of special significance such as Bewley's Café and to discourage the emergence of less appropriate uses such as mobile phone shops and convenience stores.

The Draft Scheme of Special Planning Control 2019 updates but does not radically amend the 2013 Scheme. In this context, the Draft Scheme has been updated and edited having regard to current legislation, the Dublin City Development Plan and infrastructural projects including the Luas Cross City and public realm upgrading works under the Grafton Street Quarter Public Realm Plan.

### **Public Notice and Display**

In accordance with the procedures set out in Sections 85 and 86 of the Planning and Development Act, 2000 (as amended), a notice was published of the review and amendment of the scheme of special planning control in the Irish Independent on June 26<sup>th</sup> 2019. This notice indicated the location of the display of the review and amendment of the scheme of special planning control and invited submissions or observations in relation to the scheme. The Review of the Scheme of Special Planning Control and the Proposed Draft Amended Scheme, together with the respective SEA and AA screening reports were displayed from 26<sup>th</sup> June 2019 to 22<sup>nd</sup> August 2019 both dates inclusive at the offices of Dublin City Council, Civic Offices, Ground Floor, Block 4, Wood Quay, Dublin 8. Details were also made available on Dublin City Councils website at [www.dublincity.ie](http://www.dublincity.ie). Members of the public were invited to make submissions, and owners / occupiers of properties located within the scheme area were written to, both to inform them of the draft scheme and where to view same, and secondly to introduce the intended content of the scheme and how it might affect them.

The closing date for receipt of submissions was Thursday 22<sup>nd</sup> August at 4.30pm. Submissions or observations were also welcome to be made online at [consultation.dublincity.ie](http://consultation.dublincity.ie) before

midnight on 22<sup>nd</sup> August 2019. The Minister, An Bord Pleanála and other prescribed bodies were notified in writing of the reviewed scheme, and sent copies of same in accordance with legislation.

### **Consultation Outcome**

Following the public consultation process, seven submissions were received in total. Each submission was fully considered and has been summarised in the Chief Executive's Report and a recommendation provided. The full report follows overleaf.

### **Next Steps**

The members will consider the Draft Scheme and the Chief Executive's Report at the Meeting of the City Council on the 2<sup>nd</sup> September 2019 and may by resolution approve the scheme with or without modifications, or refuse to so approve.

### **Recommendation to City Council**

It is recommended that the City Council, having regard to the submissions received on the Draft Scheme and the Chief Executive's response and recommendations as set out in the Chief Executive's Report, should by resolution approve the scheme.

### **Resolution:**

That Dublin City Council notes Report No. 238/2019 and hereby approves the contents therein.

**Owen P. Keegan**  
**Chief Executive**  
**2<sup>nd</sup> September 2019**

## **Chief Executive's Report on Submissions/Observations received in relation to the Draft Scheme of Special Planning Control for Grafton Street and Environs 2019**

This report has been prepared in accordance with the requirements of Sections 85 and 86 of the Planning and Development Act 2000 (as amended). Under Section 85(5) b, this report lists persons who made submissions/observations, summarises matters raised in submissions/observations and includes the response of the Chief Executive to the submissions/observations.

### **Submissions received**

The following persons submitted submissions / observations. Seven in total were received within the allotted timeframe.

1. Cynthia Fanning
2. Natasha Crudden, Regulatory & Administration Unit, Transport Infrastructure Ireland
3. Eduardo Rangel Nascimento
4. Blaine Cregan of John Spain Associates on behalf of HECF Grafton S.á r.l.
5. Aoife O'Connor-Massingham of Declan Brassil & Company on behalf of Meteor Mobile Communication Limited
6. Brian Maher of Avison Young on behalf of Ulster Bank Ireland DAC
7. John Spain of John Spain Associates on behalf of Ronan Group Real Estate

### **Submission no. 1 – Cynthia Fanning**

#### **Summary**

Requests more trees in the whole area, including broad leaf trees and to stop cutting trees down in Dublin.

#### **Chief Executive's Response**

The promotion of high quality and inclusive design to improve the quality of the public realm and open spaces is one of the main objectives of the draft scheme. The issue of additional tree planting in the Grafton Street area is addressed by the Grafton Street Quarter Greening and Street Furniture Strategy 2016 which sets out a vision for greening of public spaces and proposes a new tree network in the Grafton Street Area. This tree network includes the recently completed street tree planting on Chatham Street and the provision of street planters at Suffolk Street.

**Recommendation:** No change.

### **Submission no. 2 – Natasha Crudden, Regulatory & Administration Unit, Transport Infrastructure Ireland (TII)**

#### **Summary**

Transport Infrastructure Ireland (TII) recommends that the finalisation of the Draft Scheme of Special Planning Control for Grafton Street and Environs 2019 should consider the need to avoid adverse impact on Luas operation and safety and comply with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' 2016. It is recommended that the TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' 2016 is referred to under Section 5.5.6. Attention is drawn to the requirement for any applicant, developer or contractor to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulated works occurring close to the LRT infrastructure.

### **Chief Executive's Response**

It is accepted that the Draft Scheme should refer to TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' 2016 in order to avoid adverse impact on Luas operation and safety in the Grafton Street area.

### **Recommendation:**

Amend text as follows:

At end of Part 5.5.6 insert sentence: "In order to avoid adverse impact on Luas operation and safety within the Grafton Street Area of Special Planning Control, any utility or other party, including businesses situated along the light railway, and their respective contractors, proposing to undertake works on, near or adjacent the light railway, shall comply with the requirements set out in Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' 2016.

### **Submission no. 3 – Eduardo Rangel Nascimento**

#### **Summary**

Test submission

#### **Chief Executive's Response**

This is a test submission from the operators of the Citizen Space consultation website and raises no points in regard to the Draft Scheme of Special Planning Control for Grafton Street and Environs 2019.

#### **Recommendation**

No change.

### **Submission no. 4 – Blaine Cregan of John Spain Associates on behalf of HECF Grafton S.á r.l.**

#### **Summary**

The wording of Key Objective 9 should be strengthened to reinforce the City Council's commitment to providing and maintaining a high quality public realm as follows "Key objective (9): To promote and deliver high quality and inclusive design to improve the quality of the public realm and open spaces through the use of high quality materials, with a continued review of the design development and implementation of public realm improvements within the SSPC."

A key objective should be added to undertake a review of the casual trading bye laws by the City Council, with a view to protecting the public realm and enhancing the retail experience as follows: ""Key Objective (XX): To undertake a review of the causal trading bye-laws of the City Council, to provide for a centralised location for casual trading pitches, such as the top of Grafton Street adjacent to St. Stephen's Green, and provide further guidance on the extent of signage permissible as part of the trading licence with a view of protecting the legibility and permeability of the public realm in the SSPC."

#### **Chief Executive's Response**

Dublin City Council's Grafton Street Quarter Public Realm Plan 2014 sets out the context, vision and design principles for the delivery of an enhanced public realm for the Grafton Street Quarter. The City Council remains committed to the implementation and delivery of this enhanced public realm and completed Phase 2 of the Public Realm Plan at Chatham Street – Harry Street in March 2019. To assist the implementation of the Public Realm Plan, a Steering Group has been established and oversees progress. It is not considered that the existing Key

Objective 9 needs to be strengthened to ensure the City Council's commitment to providing and maintaining a high quality public realm in the Grafton Street Area.

Casual trading is regulated by the Casual Trading Bye-Laws 2013 made under the Casual Trading Act 1995 which will be reviewed commencing the end of 2019. As recognised by the Dublin City Development Plan and the Grafton Street Quarter Public Realm Plan 2014, casual trading can add vitality and colour to retail centres and the Grafton Street Quarter Public Realm Plan 2014 provides for consideration to be given to how the existing street market usage in the area could be consolidated and enhanced by the proposed public realm measures. Key Objective 7 of the proposed scheme states that it is an objective to ensure that all new advertisement structures erected in the area are well designed and the City Council will permit only advertisements which are designed sensitively and which will enhance the appearance and vitality of the area.

### **Recommendation**

No change – retain Key Objective 9 which states “To promote high quality and inclusive design to improve the quality of the public realm and open spaces.”

### **Submission no. 5 – Aoife O’Connor-Massingham of Declan Brassil & Company on behalf of Meteor Mobile Communication Limited**

#### **Summary**

Meteor Mobile Communications Limited, trading as Eir consider that the Draft Scheme will unnecessarily inhibit the future retail use of ground floor level units within the Grafton Street Area and that mobile phone shops provide important customer retail services and have a strong demand for principal shopping street locations. The submission states that mobile phone shop uses have the potential to strengthen the retail presence on principal shopping streets and to improve the offer attractiveness of the City Centre Retail Core.

The submission requests that Part 1.1.12 be amended to omit 'Mobile Phone Shop & Related Goods' from the 'uses not permitted' and relocate to Part 1.1.11 to allow such uses to be 'open for consideration' and assessed on their individual merits in terms of contribution towards the objectives of the Planning Control Scheme. It is considered facilitating mobile phone shop as an 'open for consideration' use will assist in:

1. Maintaining and encouraging a strong and complementary mix of uses to Grafton Street,
2. Ensuring the protection of the quality and presentation of buildings,
3. Ensuring that the scheme is consistent with the Retail Planning Guidelines 2012 which provide that it is not the function of the planning system to prevent competition
4. Realising a vibrant and attractive space

The submission states that the proposed amendments will enable Eir to respond to market and commercial demands and continue, in the event they should need to relocate within the Grafton Street Area, to provide competitive services to their customer base.

#### **Chief Executive’s Response**

The Draft Scheme of Special Planning Control puts forward a proactive approach towards the conservation and enhancement of the area including objectives to promote civic amenity, to redress the decline in the quality and presentation of buildings and shopfronts and the management of outdoor advertising. The objective of the scheme is to promote the development of a wide variety and range of shopping that one expects from a Premier City Centre location, to ensure that its character as a prime retail street is protected and enhanced. An overconcentration of non-retail uses within the area can fragment the continuity of retail frontages, and lead to an erosion and dilution of retail character and ultimately a reduction in the attractiveness of the area as a shopping destination. This requires that an emphasis be

placed on attracting higher order or comparison shops, in particular fashion, outlets to the street and restricting a very small number of non-comparison and retail service outlets such as mobile phone shops and convenience stores that are already well represented on the street.

There are currently four mobile phone shops located at ground floor level along Grafton Street, representing the main mobile phone operators. There is a concern that if left unchecked, uses such as these will begin to dominate the street and undermine the role of Grafton Street as a major destination for fashion and other high order comparison shopping. The Draft Scheme is one part of the response to this problem as a management tool for land use and specifically the range and quality of uses on Grafton Street.

### **Recommendation**

No change

### **Submission no. 6 – Brian Maher of Avison Young on behalf of Ulster Bank Ireland DAC**

#### **Summary**

The category of "Mortgage store / Financial institution" should be removed from the list of uses not permissible under Part 1.1.12 as Ulster Bank's new format "Digital Branch" does provide a high degree of vitality and vibrancy to the street and provide a greater degree of transparency and legibility to the public than the traditional retail branch and accordingly should be facilitated in contributing to a busy and active City Centre Street.

Part 3.4.4 "New Shopfront Structures" of the Draft Scheme should be amended to allow for the use of digital screens in new advertisement structures, as the increasing use of digital screens is characteristic both in Ireland and internationally as a standard marketing and information presentation method, as follows:

"Internally illuminated signs including box signs, illuminated scrolling signs, ~~digital signs~~ or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the facade(s) of a building or internally behind the glazing or shopfronts"

Part 3.3.6 "Shopfront Structure – External" should be amended as follows:

3.3.6 Shopfront Structure – External "In all **most** instances clear glazing should be used, ~~no~~ frosted / tinted / opaque / laminate glass ~~should~~ **can only** be used ~~except in exceptional circumstances were~~ **where** the overall design concept would warrant the use of such materials".

Part 3.3.8 "Material and Colour" of the Draft Scheme should be amended as follows:

"Corporate design packages, including ~~colour and~~ material palates and signage, will not generally be acceptable unless fully compatible with and complementary to the character of the building and adjoining buildings. The context for the proposal is considered more important than uniformity between branches of one company". The submission states that brand identity and customer recognition are important to Ulster Bank Ireland DAC and that rather than uniformity there is a need for consistency and legibility of presentation to the public which acknowledges that differentiation and colour is an essential component of that differentiation.

Part 3.3.11 "Canopies" of the Draft Scheme should be amended as follows:

"Canopies, if considered necessary by reason of key corner sites / landmark buildings and appropriately integrated into the overall shopfront, shall be traditional style, open ended and in **an appropriate and compatible muted tertiary** colour. Shop names or advertising on the blind are not permitted". The submission states that brand identity and customer recognition are important to Ulster Bank Ireland DAC and that rather than uniformity there is a need for

consistency and legibility of presentation to the public which acknowledges that differentiation and colour is an essential component of that differentiation.

### **Chief Executive's Response**

The objective of the Draft scheme is to promote the development of a wide variety and range of shopping that one expects from a Premier City Centre location, to ensure that its character as a prime retail street is protected and enhanced. It is recognised that an over-concentration of non-retail uses such as a financial institution, whether in traditional or new format "Digital Branch" in an area can fragment the continuity of retail frontages and lead to an erosion and dilution of retail character and ultimately a reduction in the attractiveness of the area as a shopping destination. Therefore, Part 1.1.12 of the scheme will allow the Planning Authority to ensure that an over concentration of these uses does not occur.

Part 3 of the Draft Scheme seeks to redress the decline in quality and presentation of buildings and shopfronts within the Grafton Street & Environs ACA and seeks to both protect traditional and original shopfronts and encourage good contemporary shopfront design with discrete illumination which is complementary to the overall shopfront design and architectural context. In this regard it is not considered that digital screens would be complementary to the architectural context and character of Grafton Street.

Under the Development Plan it is policy to require a high quality of design and finish for replacement shopfronts and the Council actively promotes the use of improved design through the 'Shopfront Design Guide' of 2001. Development Plan standards for shopfront design seek to avoid obscuring views into shops, such as by the use of frosted glass, which create dead frontage onto the street and reduce the vitality of the area. It should be noted that current planning framework already controls the use of corporate signs; logos, colour schemes or shopfront design and places the emphasis on compatibility with individual buildings. The essential elements of this design guide have been incorporated into the proposed Scheme, in particular the policy on corporate signs.

### **Recommendation**

No change

### **Submission no. 7 – John Spain of John Spain Associates on behalf of Ronan Group Real Estate**

#### **Summary**

Ronan Group Real Estate is concerned that the intention that the entire building should be for cafe use alone is overly restrictive and would be ultimately detrimental to the future of the building. The submission states that the upper floors are not required for cafe use, would not be viable for such a use and without a viable use to the upper floors, these will remain vacant and ultimately put the Protected Structure at risk. The proposed single use is contrary to other Key Objectives in the Draft Scheme, notably

Key Objective 3 which seeks active use, such as office or residential to take place on floors above first floor on Grafton Street. Reference should be made to hotel / guesthouse use for upper floors. This would be a much more appropriate approach to apply to the Bewley's Cafe building. The submission states that the second and third floors of the building have a permission under Reg. Ref. 2271/94 for use as offices and storage. This permission has been enacted and there are existing use rights to this permission for the building.

Request that the wording of 1.1.4 be amended to omit the last sentence;

"1.1.4. The City Development Plan encourages, where possible, the retention of the historic use of each protected structure, as this is the use for which it was built. Where changes of use are proposed these should aim to maintain historic fabric and be compatible with long term

conservation. The Development Plan provides detailed guidance in this regard” as it is contrary to national guidance on Protected Structures; is overly restrictive by preventing the building from adapting in to the future and in particular risks the long term vacancy of the upper floors of this important Protected Structure in particular.

### **Chief Executive’s Response**

The purpose of the Scheme of Special Planning Control is to reinvigorate Grafton Street as the South City’s most dynamic retail experience underpinned by a wide range of mainstream, independent and specialist retail and service outlets that attract both Dubliners and visitors to shop, sit and stroll, whilst re-establishing the area’s rich historic charm and urban character. To help achieve its aims, the Scheme sets out objectives and development management measures to enhance the character of the street, including measures to protect existing uses of special significance such as Bewley’s Café and to discourage the emergence of less appropriate uses such as mobile phone shops and convenience stores.

To this end, Key Objective 1 of the Draft Scheme seeks to acknowledge the contribution particular existing uses or the last use of a structure has to the special social, cultural and / or artistic interest of those premises, as distinct from solely its physical fabric and to ensure that new uses would not be inimical to the special interest identified. As the last sentence of Part 1.1.4 of the Draft Scheme is a reference to a Development Plan objective, it is considered that the opportunity to consider other uses on the upper floors of the building is appropriate during review of the current Development Plan, commencing in mid-2020.

### **Recommendation**

No change

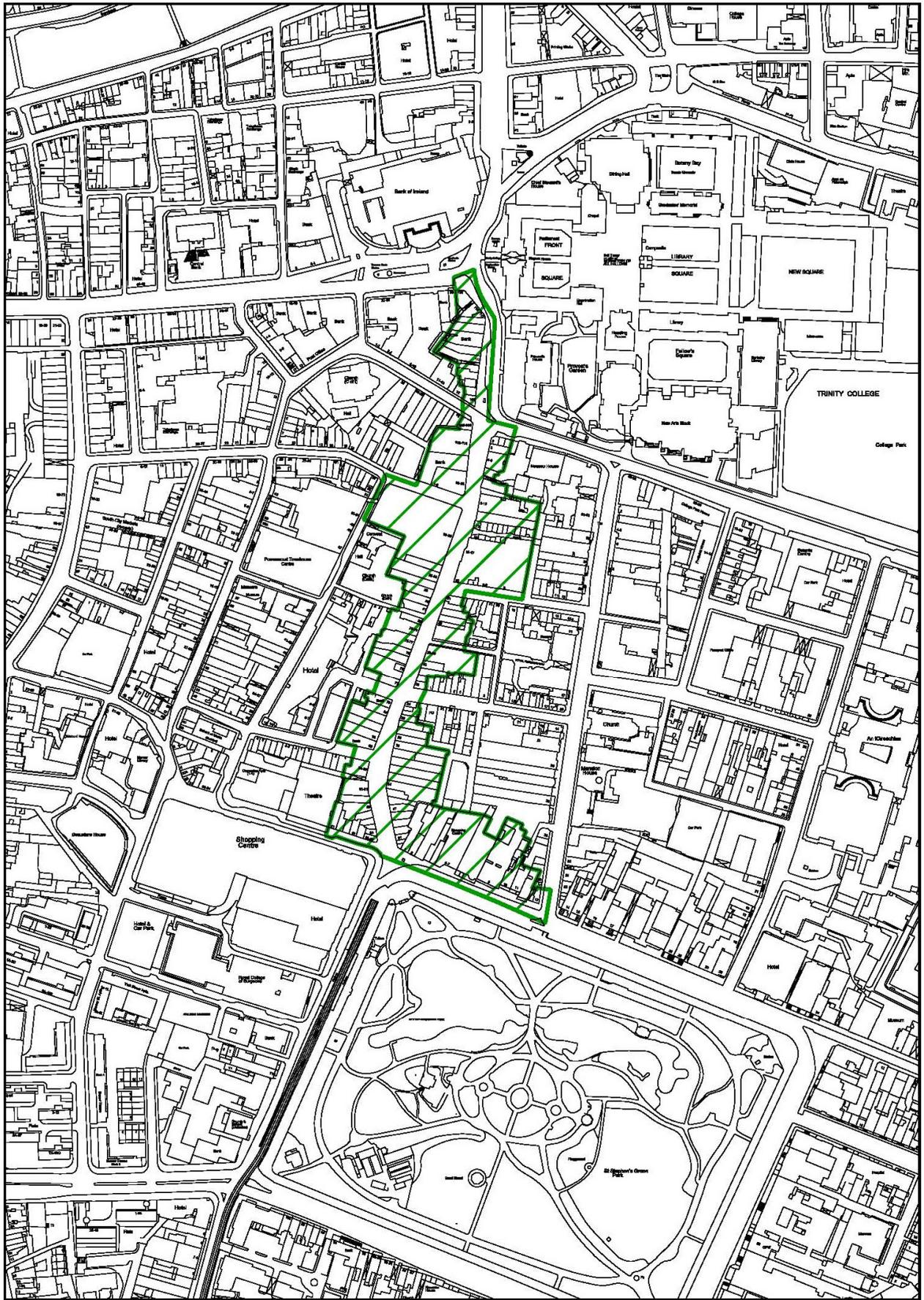
# Draft Scheme of Special Planning Control for Grafton Street and Environs 2019



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council



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GRAFTON STREET – AREA OF SPECIAL PLANNING CONTROL

## **Vision**

To reinvigorate Grafton Street as the South City's most dynamic retail experience underpinned by a wide range of mainstream, independent and specialist retail and service outlets that attract both Dubliners and visitors to shop, sit and stroll, whilst re-establishing the area's rich historic charm and urban character.

As part of an initiative to achieve this vision Dublin City Council has designated Grafton Street as an Area of Special Planning Control. The extent of the Area of Special Planning Control will be identical to the 'Grafton Street and Environs Architectural Conservation Area, illustrated in the Map attached.

## **Duration**

The Scheme of Special Planning Control was passed by resolution of Dublin City Council on the 1<sup>st</sup> July 2013 and has been reviewed in 2019 following a survey in July 2018 and consideration of changing uses. The City Council will monitor and review the impact of the Scheme and may by resolution amend or revoke the Scheme as necessary.

This document should be read in conjunction with the Grafton Street & Environs Architectural Conservation Area Plan, in particular with regard to the general controls over works to the exteriors of all buildings, both protected and non-protected.

## **Special Note:**

The Planning Authority have the power to not only conserve the character of certain areas but also in urban areas of special importance to enhance the character; that is to restore it and to require owners and occupiers to conform to a Planning Scheme. The Planning Authority may serve a notice on each person who is the owner or occupier of land of measures required to be undertaken for –

- a) the restoration, demolition, removal, alteration, replacement, maintenance, repair or cleaning of any structure, or
- b) the discontinuance of any use or the continuance of any use subject to conditions,

Under this notice the Planning Authority must state they shall pay expenses that are reasonably incurred by that person in carrying out the steps specified in the notice, other than expenses that relate to unauthorised development carried out not more than 7 years prior to the service of the notice and state that the Planning Authority shall pay compensation to any person who shows that as a result of complying with the notice –

- (i) the value of an interest he or she has in the land or part thereof existing at the time of the notice has been reduced, or
- (ii) he or she, having an interest in the land at that time has suffered damage by being disturbed in his or her enjoyment of the structure or other land, a sum being equal to the amount of such reduction in value or a sum in respect of the damage suffered.

## **Executive Summary**

### **Part (1a) Land Use Existing**

This section defines Grafton Street historically as the premier retail street on the south side. It highlights the importance of specific existing uses that are key components in the established character of the area acting as magnets by reason of their importance to the area and to the city in architectural, social, cultural, economic (in particular tourism) and historic terms. A number of uses on Grafton Street are of special significance through their long association with the street. Businesses such as Brown Thomas, Weir and Sons and Bewley's Cafe are now an essential part of the street's character and continue in the tradition of providing prestigious products and fine service in high quality surroundings. As leading outlets in their respective fields, they have become major magnets and attract substantial numbers of visitors to Grafton Street contributing to the character of the street. It is an objective of the Scheme of Special Planning Control to protect this special and unique character of the area, which is intrinsically linked to specific special existing uses.

### **Part (1b) Land Use Proposed**

This section also sets out development management measures to achieve an appropriate mix and balance of uses in Grafton Street. It addresses planning exemptions sub-divided into the following five sub-sections: -

- a) de-exemption of specific shop 'uses', such that, a change of use to a particular type of 'shop' will require planning permission.
- b) de-exemption of the sale of sandwiches or other food, beverages, or wine subsidiary to the main retail use,
- c) de-exemption of changes within Class 2 and changes to an internet café/ phone call centre
- d) de-exemption of a change down in the Class Group to 'shop'. It also sets out general controls on uses "open for consideration" and uses that are not "permissible"
- e) de-exemption of certain changes of use from café/restaurant use

Furthermore, it sets out the complementary activities, which will be encouraged at first floor level.

### **Part 2 Maximising the Use of Buildings.**

This section sets out the objectives of the Scheme in relation to the use of upper floors and basements in order to create opportunities for the provision of specialist retail uses and to provide for intensification of use. This section also contains guidelines for new development.

### **Part 3 Shopfronts and Advertisement Structures**

The Scheme de-exempts all signage and advertisements both external and internal within the designated Grafton Street & Environs Area. This section recognises the Outdoor Advertising Strategy as contained in Appendix 19 of the Dublin City Development Plan 2016-2022 and sets out development management measures for shopfront design and signage.

### **Part 4 The Built Fabric**

This section sets out the objectives of the Scheme to secure the retention of the historic fabric of the area and development management measures for works that would materially affect the character of the structure and area which accords with the Grafton Street & Environs – Architectural Conservation Area Plan.

### **Part 5 The Public Realm**

The key objective is to promote high quality and inclusive design to improve the quality of the public realm and open spaces. This section refers to public realm works carried out since the Scheme was adopted and refers to proposed future works.

## **PART 1 – Land Use**

### **Part (1a)**

#### **1.0.1. Existing Land Uses**

- 1.1.1. Key Objective (1): To acknowledge the contribution particular existing uses or the last use of a structure has to the special social, cultural and / or artistic interest of those premises as distinct from solely its physical fabric. To ensure that new uses would not be inimical to the special interest identified.**
- 1.1.2. Grafton Street as defined in the Architectural Conservation Area has been the premier retail street on the south side of the city since the 1800s and critical to the economic life of the city. Its draw for many years was the rich mix of retail outlets, including department stores, men and women's fashion shops and a range of complementary upmarket fashion, furnishing, accessories, jewellery and specialist foods. Some of these uses remain key components of the character of the area and are important magnets within both the area and the wider city contributing to the architectural, social, cultural, economic (in particular tourism) and historic diversity of the city.
- 1.1.3. A number of uses on Grafton Street are of special significance through their long association with the street. Businesses such as Brown Thomas, Weir and Sons and Bewley's Cafe are now an essential part of the street's character and continue in the tradition of providing prestigious products and fine service in high quality surroundings. As leading outlets in their respective fields, they have become major magnets and attract substantial numbers of visitors to Grafton Street contributing to the social, cultural, economic and architectural character of the street. It is an objective of the Scheme of Special Planning Control to protect these particular uses, which contribute so much to the special and unique character of the area.
- 1.1.4. The City Development Plan encourages, where possible, the retention of the historic use of each protected structure, as this is the use for which it was built. Where changes of use are proposed these should aim to maintain historic fabric and be compatible with long term conservation. The Development Plan provides detailed guidance in this regard. Dublin City Development Plan Objective CHCO9 seeks to acknowledge the importance of Bewley's Oriental Café at No. 78/79 Grafton Street, by encouraging the protection of the use of the entire building as a café which is intrinsic to the special character of the building.

## **Part (1b)**

### **1.1.5. Promotion of an appropriate mix and balance of uses - Control of new uses.**

### **1.1.6. Key Objective (2): To achieve an appropriate mix and balance of uses in Grafton Street by controlling new uses and promoting higher order comparison retail outlets, in particular fashion outlets, to provide for a high quality shopping area.**

The Dublin City Development Plan 2016-2022 promotes active uses at street level on the principal shopping streets in the central shopping area having regard to the criteria for Category 1 and Category 2 streets (see para 7.6.1, Fig. 8 and also the Retail Strategy in Appendix 3). Most of the Grafton Street Area of Special Planning Control is designated as a Category 1 principal shopping street.

The Retail Core Framework Plan 2007 sets out a number of guiding strategies to underpin the strengthening, consolidation and enhancement of the retail core. This includes a strategy to create a rich mix of uses which seeks to reinforce Grafton Street as the premier shopping street in the city by ensuring that higher order retail outlets are the principal use on the street. Policy RD13 of the Dublin City Development Plan 2016-2022, in referring to the status of the city centre retail core, states that regard should be had to the relevant objectives of this Framework Plan.

It is intended to ensure that any incoming use will respect and enhance the multifaceted character of the area and allow and encourage a diversity of uses to increase its overall attractiveness for shopping, leisure and business purposes. There will be a strong presumption in favour of granting planning permission for higher order comparison retail outlets<sup>1</sup> including fashion outlets – both multiple and independent stores, ‘lifestyle stores’, flagship stores, niche and specialist retailers such as home furnishings, jewellery and books. A clustering of these uses in particular at ground; basement and first floor level help to develop a vibrant retail quarter.

Complementary activities such as restaurants, cafes, bars, art galleries, tailors, hairdressers, barbers and beauticians and other specialist services will be encouraged at first floor level and above. Office uses will be permitted above first floor level and active encouragement will be given to the provision of residential units.

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<sup>1</sup> *Definition of higher order retail - Goods are classed on a relative scale from lower order to higher order goods. Lower order goods are those goods, which consumers need frequently and therefore are willing to travel only short distances for them. Higher order goods are needed less frequently so consumers are willing to travel further for them. These longer trips are usually undertaken for not only purchasing purposes but other activities as well. (Brian J.L.Berry 1966)*

## **The following land use controls will be applied throughout the Grafton Street Area of Special Planning Control**

### **1.1.7. Land Use Control - Control of Changes within the Use Classes**

The following existing exemptions from seeking planning permission under the Planning and Development Regulations, 2001 (as amended) relating to changes of land use will no longer apply. In the area covered by the Grafton Street Scheme of Special Planning Control (SSPC) planning permission will be required for the following changes; (a) Specific changes from within Class 1 'shop' to other types of 'shop' as defined below, (b) The sale of sandwiches or other food, hot or cold beverages, or of wine for consumption off the premises even where such food / beverages is subsidiary, (c) Changes within other specified class groups and (d) Changes under Class 14 (a), (b), (c), & (d) *Exempted Development – General* of the Planning and Development Regulations, 2001 (as amended), and (e) the de-exemption of certain changes of use from café/restaurant use.

(a) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations, 2001 (as amended) the change of use of a shop or part of a shop to a premises trading as any of the following will now constitute a material change of use and will require planning permission: -

- Catalogue shop
- Collect store
- Cosmetics / beauty products
- Discount shop / End of lines / Closing down/ Sales outlets / Euro store
- Hairdressers
- Health food shops
- Launderette or dry cleaners
- Mobile phone shop and related goods
- Newsagents / convenience store
- Off-licences and Wine shops
- Personal care and grooming services
- Pharmacy
- Sale of tickets / travel agents
- Seasonal shop
- Sex shop
- Souvenir/gift shop
- Stationary / card shops
- Supermarket

(b) Notwithstanding the interpretation of "shop" by Article 5 (1) of the Planning and Development Regulations, 2001 (as amended) the change of use of a shop or part of a shop to a premises trading as the following will now constitute a material change of use and will require planning permission: -

- The sale of sandwiches or other food, hot or cold beverages, or of wine for consumption off the premises, where the sale of such food or beverages is subsidiary to the main retail use and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence<sup>2</sup>.

**(c)** The following changes of use type within the class groups<sup>3</sup> will constitute a change of use and will require planning permission: -

- The conversion from financial services to use as professional service (Class 2 b *Exempted Development – Classes of Use* of the Planning and Development Regulations, 2001 (as amended) or to any other services (including betting office) where the services are provided principally to visiting members of the public (including ATM lobbies or phone call centres, internet cafes).
- The conversion of a shop or restaurant or café or office (office both as Class 2 and 3 *Exempted Development – Classes of Use* of the Planning and Development Regulations, 2001 (as amended) to an internet café or phone call centre will require planning permission.

**(d)** The following change of use type down to Class 1 of the *Exempted Development – Classes of Use* will now constitute a material change of use and will require planning permission.

- Notwithstanding Class 14 (a), (b), (c), & (d) *Exempted Development – General* of the Planning and Development Regulations, 2001 (as amended) any change of use to use as a shop will now constitute a material change of use and will require planning permission.

**(e)** The following changes of use from café/restaurant use shall require planning permission:

- The conversion of a café/restaurant to use as a fast food outlet.
- The conversion of part of a café/restaurant for the purposes of introducing the sale of (hot) food for consumption off the premises.

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2 (Within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7 & 1 Geo.5, c.8)

3 (Class groups as defined in Part 4 of the Planning and Development Regulations, 2001(as amended))

### **1.1.8. Land Use Control – Control of Changes to Lower Order Retail and Non Retail Uses**

Whilst the diversity of the Grafton Street Area contributes to its attraction, it is important to ensure that its character as a prime retail street is protected and enhanced. An overconcentration of non-retail uses within the area can fragment the continuity of retail frontages, and lead to an erosion and dilution of retail character and ultimately a reduction in the attractiveness of the area as a shopping destination.

1.1.9. Existing land uses at ground floor level in the Grafton Street Area were assessed to determine the impact of the different types of land use on the architectural, historical and civic character of the area. The assessment took into account the following factors:

- a) The extent to which the retail frontage is disrupted by (1) non-retail uses and (2) inappropriate uses i.e. lower and middle comparison and convenience uses.
- b) The presentation of each use to the street including shopfront design, advertisement structures and use of promotional materials.

Following this assessment a number of uses were considered to have a negative impact on the architectural, historical and civic character of the area.

To maintain Grafton Street's position as the premier shopping street on the south side of the city it is considered appropriate to limit certain uses on the street to achieve an appropriate mix.

### **1.1.10. Land Use Control – Uses Open for Consideration**

1.1.11. To promote an appropriate balance of higher order retail uses on the street and prevent an over-concentration of non-fashion or fashion related uses, planning applications for the following retail uses will be considered on their individual merits;

- Cosmetics / beauty products
- Hairdressers
- Health food shops
- Pharmacy
- Souvenir / gift shop
- Stationary / card shops

The following factors will be taken into account in the consideration of planning applications: -

- The number and proximity of similar outlets already operating in the area.
- The scale of the proposed outlet
- The physical impact of the proposed use on the internal structure of the building in which it will be located
- The quality of the shopfront design and associated signage.

### **1.1.12. Land Use Control - Uses Not Permissible**

It is policy **not** to grant permission for the following uses, as they would detract from the character of the street: -

- Amusement arcade
- Bookmakers / Betting shop
- Catalogue shop
- Collect store
- Discount Shop / End of lines / Closing down / Euro Store

- Estate agent
- Fast food outlet
- Launderette or dry cleaners
- Mobile phone shop and related goods
- Mortgage store / Financial institution
- Newsagents / Convenience store
- Off-licences / Wine shops
- Outlet selling hot food for consumption off the premises
- Personal care and grooming services (at ground floor level)
- Phone call centre / Internet café (at ground floor level)
- Sale of tickets / travel agents
- Seasonal shop
- Sex shop
- Supermarket
- Video games and console shop

## **PART 2 –Maximising the Use of Buildings**

### **2.2.0 Key Objective (3): To attract and encourage a strong and complementary mix of uses on the upper floors of all buildings.**

Complementary activities such as restaurants, cafes, bars, art galleries, tailors, hairdressers, barbers and beauticians and other specialist services will be encouraged at first floor level. Office uses will be permitted above first floor level and active encouragement will be given to the provision of residential units.

The use of first floors predominately for storage or office uses will not be favourably considered, in order to maximise the active use of the buildings and create a lively street scene.

### **2.2.1. Key Objective (4): To seek the more intensive use of the upper floors.**

It is an objective to seek the more intensive use of the upper floors in the Grafton Street Area in order:

- to create opportunities for the provision of a more balanced range of uses,
- to provide for an intensification of land use

While large space users such as department stores will continue to be important for the viability and vitality of the area it is important that room is found for smaller and more specialist retailers to help give the street more character. It is an objective to seek the more intensive use of basements and upper floors in order to create opportunities for the provision of specialist retailers and to provide for intensification of land use.

### **2.2.2. Key Objective (5): To retain and complement the fine grain of the established streetscape in new development.**

2.2.3. The merging of two or more buildings or commercial units on one or more floors through the removal of dividing walls / partitions and / or the insertion of doorways or openings to form larger scale units constitutes development and will require planning permission. Each case shall be dealt with on its own merits and will require sensitive planning and design treatment, to complement the fine grain of the established streetscape.

2.2.4. Proposals to demolish buildings in Grafton Street may be considered in exceptional circumstances only where they are supported by a rationale related to the overall enhancement of the urban structure i.e. linkage, public space and use. New development must respect the established physical character of the street.

New Development should have regard to the following: -

- Established building lines of the existing urban environment
- Existing massing, existing height and plot width
- Existing solid / void ratios
- Predominant materials and colour in use in the area
- Development of active street frontage
- Multiple levels
- Provision of a fully accessible environment for everybody.

Pastiche design proposals for infill buildings or replacement shopfronts will be discouraged.

Separate access to the upper floors of buildings must be maintained and should not be removed as part of any proposal to extend the ground floor use or install a new shopfront.

## **Part 3 - Shopfronts and Advertisement Structures**

### **3.3.0. Shopfronts**

#### **3.3.1. Key Objective (6): To redress the decline in quality and presentation of buildings and shopfronts within the Grafton Street & Environs ACA.**

3.3.2. Any alteration or works to shopfronts within the Grafton Street & Environs ACA, other than routine maintenance works, which comprise the carrying out of works to the exterior of a structure requires planning permission under the Planning and Development Act 2000, (as amended).

3.3.3. Shop fronts form an important part of a street's character, as they constitute a highly visible part of the building at street level. Dublin City Council promotes a dual approach to shopfront design: -

- Protecting traditional and original shopfronts
- Encouraging good contemporary shopfront design

It is policy to encourage the retention and reuse of all good-quality traditional and original shopfronts, whether protected or not. Pastiche design will be discouraged. The design approach to a new shopfront should provide a contemporary architectural expression of today within the context of the character and tradition of Dublin city, the character of the individual street and the character of the building itself.

Shopfronts, which are well designed and well maintained, make for a more attractive street for the shopper and passer-by. Poor quality shopfronts, on the other hand, damage the public perception of a street. An assessment of the quality and presentation of existing shopfronts within the Grafton Street & Environs ACA reveals that a number of the shopfronts are characterised by poor design, use of inappropriate materials, proliferation of signage and lack of maintenance.

3.3.4. Any person proposing to install a new shopfront is advised to consult Dublin City Council's Shopfront Design Guide (2001) for general guidance on all matters relating to shopfront design. They are also advised to engage an architect with an expertise in the design of shopfronts to prepare any planning application.

3.3.5. The following five design principles should be observed in the design of shopfronts;

- Shopfront structure and proportion – external and internal
- Materials and colour
- Signage
- Illumination
- Security

#### **3.3.6. Shopfront Structure – External**

The following design principles should be followed in the design of any proposed shop front and the preparation of a planning application.

- The relationship of the shop front to the building

A shop front is an integral part of the building of which it forms part and therefore the shop front should relate to the architectural character of the upper floors in respect of proportion, scale and alignment.

- The relationship of the shop front to the adjoining buildings

Buildings and shop fronts relate to adjoining buildings and therefore the starting point for the design of a shop front must be its architectural context. Shop fronts should respect the scale and proportions of the streetscape and the established pattern of openings.

- The shop front framework

A strong framework for the shop front should be provided, including an appropriately scaled and detailed fascia panel, pilasters and a well defined base.

- In all instances clear glazing should be used, no frosted/ tinted / opaque /laminated glass should be used except in exceptional circumstances where the overall design concept would warrant the use of such materials.
- Doors are an integral part of the shop front and will be required in all instances. Generally automatic doors and folding doors will not be favourably considered.
- The removal of separate access to the upper floors will not be favourably considered.
- Access for people with disabilities, the elderly and the very young, should be incorporated into the design of the shopfront.
- A security hatch or slot of a sufficient scale to accept newspaper deliveries shall be incorporated into the design of all new shopfronts, as appropriate. It shall be located at or immediately above the level of the stall riser and should not interfere with the general proportions and presentation of the front façade of the shopfront.
- No amplified announcements, music or other material shall be played from any premises to advertise goods or services, and no loudspeakers or other amplification apparatus shall be affixed on or about the front of the premises for such a purpose. Any such sounds within the premises shall be controlled so as to be inaudible from adjoining premises or at 2 metres from the frontage.

### **3.3.7. Shopfront Structure – Internal**

- Shopfront displays (this includes gable elevations and upper floor windows) must be provided as an integral part of the shopfront design and these displays shall be managed and maintained.
- The window display fixtures, fittings and illumination must be of high quality and complement the shopfront.
- Display areas at ground floor level shall be located directly behind the glazed shopfront for its full width excluding doors with a minimum depth of 0.75 metres and used to display merchandise associated with the retail unit.
- The design of the interior of retail units, including layout, furniture, display cabinets, materials and colour, should have regard to the visual impact on the exterior of the

shopfront and the requirement to complement the design of the shopfront and building overhead.

- Back of interior display stands and storage units shall not be positioned up against or close to the window display.

### **3.3.8. Material and Colour**

- The materials used should be durable and of high quality. In principle, the following materials are acceptable stone, timber, brick, render, steel, bronze, brass and glass.
- The following materials would generally not be considered acceptable- Materials such as highly polished stone, plastics, acrylic, uPVC, mirrored panels, poor quality flat faced timber panels
- The colours used in the shopfront should be complementary to those of the building and adjoining buildings.
- Garish colours (i.e. those that clash with the colours and tones of the building and adjoining buildings) should be avoided.
- Painting over brickwork is not acceptable.
- Corporate design packages, including colour and material palates and signage, will not generally be acceptable unless fully compatible with and complementary to the character of the building and adjoining buildings. The context for the proposal is considered more important than uniformity between branches of one company.

### **3.3.9. Shopfront Signage**

Several types of use have an over reliance on the use of signage and advertising posters to promote the goods instead of having a designed internal display with merchandise associated with the retail unit, for example mobile phone shops and convenience stores. To actively encourage shopfront display the following signage restrictions shall apply to all uses to ensure the implementation of this policy: -

Notwithstanding Part 2 Exempted Development – Advertisements {Article 6} of the Planning and Development Regulations, 2001 (as amended), within the designated Grafton Street and Environs ACA, all signage and advertisements both external and internal requires planning permission.

- Signage shall form an integral part of the overall design for the shopfront and shall be restricted to the fascia. In general only the name and street number of the shop should be on the fascia panel.
- The signage relating to any commercial ground floor use shall be contained within the fascia board of the shopfront. The lettering employed shall either be painted on the fascia, or consist of individually mounted solid letters on the fascia board. The size of the lettering used should be in proportion to the depth of the fascia board and in all cases shall not exceed 300mm in height.

- Lettering or logos shall not be affixed directly to the glazing of any shop or business windows, other than etched lettering. All sign displays inside the shop should be kept back a minimum distance of 500mm from the glazing. Lettering or logos shall not obstruct the window display and shall not exceed one quarter of the area of the window through which the advertisements are exhibited.
- Projecting signs shall not generally be permitted as a profusion of such signs in a confined area can lead to visual clutter in the streetscape. However, positive consideration may be given to the use of a projecting sign if a building is in multiple occupancy and the proposed sign would lead to a significant overall reduction in the number and scale of advertisement structures on or projecting from the face of the building. In this circumstance the following guidelines must be observed:
  - Not more than one projecting sign should be displayed on a building
  - Signs should not be fixed directly to the face of a building but should be fixed by a bracket
  - Projecting sign should be fixed at fascia height adjacent to the access to the upper floors.
  - Signs should depict a pictorial feature or symbol illustrating the trade or business being undertaken and should be as transparent as possible.
  - Signs should be individually designed to complement the scale, materials and design of the building.
  - Signs should not obscure important features of a building or adjacent buildings.

### **3.3.10. Illumination**

- Illumination of the shopfront should be discreet, either by concealed tubing where the fascia details permit or by rear illumination of the individual letters.
- The colouring and intensity of illumination shall be complementary to the overall shopfront design and architectural context.
- Neon illumination around windows is unacceptable.

### **3.3.11. Canopies**

- Canopies, if considered necessary by reason of key corner sites / landmark buildings and appropriately integrated into the overall shopfront, shall be traditional style, open ended and in a muted tertiary colour. Shop names or advertising on the blind are not permitted.
- Glass canopies may be considered subject to agreement on design and maintenance.

### **3.3.12 Flags**

- All flags and flagpoles will require planning permission. Flags and flagpoles shall not generally be permitted as a profusion of such items in a confined area can lead to visual clutter in the streetscape.

### **3.3.13 Security**

- The use of externally fitted roller shutters will not be permitted.

- Roller shutters, when proposed, should be located behind the window display area and comprise a fine density open mesh shutter. The colour of the shutter should match the colour of the shopfront.

### 3.4. Existing Advertisement Structures

- 3.4.1. An analysis of existing advertisement structures has identified that in a number of instances their inappropriate design, inappropriate colour and over use has had an adverse impact on the character and attractiveness of the area and on the quality and presentation of the built fabric of the architectural conservation area.

The analysis took into account the following:

- The extent to which an advertisement structure obscures, interferes or damages the architectural feature of any structure that contributes to the character of the Architectural Conservation Area.
  - The extent to which it interferes with the character of the Architectural Conservation Area by virtue of the prominence or importance of the location at which it is displayed, for example, important entry points or gateways to the area.
  - The relationship of the sign or structures to the uses operating within the building on which the structure is displayed.
  - The scale and dimensions, composition, colours, materials and form of sign or structure.
- 3.4.2 It is an objective of the City Council to negotiate with the owners of advertising structures to remove these structures in the interests of improving the architectural character of the area, as well as to seek the removal of redundant signage, lamps, floodlights, hanging baskets and brackets associated with these elements protruding from the elevations of structures.
- 3.4.3 Ongoing enforcement action will be taken in relation to unauthorised inappropriate advertising structures.

#### 3.4.4 New Advertisement Structures

- 3.4.5 **Key Objective (7)** It is an objective to ensure that all new advertisement structures erected in the area are well designed. Dublin City Council will permit only advertisements which are designed sensitively and which will enhance the appearance and vitality of the area.
- 3.4.6 The Outdoor Advertising Strategy contained in Appendix 19 of the Dublin City Development Plan 2016-2022 seeks to manage outdoor advertising in the city based on a number of geographical zones. In general, there is a strong presumption against outdoor advertising at the northern and southern ends of Grafton Street which are located in Zone 1, whilst outdoor advertisement may be permitted subject to special development management measures in the core Grafton Street area which is located in Zone 2.

To ensure the implementation of key objective (7), the following development control standards will be applied to advertisement structures: -

- All advertisement structures displayed at ground floor level for ground and upper floor uses must relate solely to the authorised uses in the building and be provided as an integral part of the overall design of a shop front.

- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from, or impinge upon the integrity of the ground floor shopfronts or other original elevational features of the building.
- The colours used on any advertisement structures or signs will be required to respect the prevalence of tertiary colours established by the building materials of the buildings in the area. Substantial areas of bright or garish colours will not be allowed as the background of any sign. More prominent colours may be used on individual lettering.
- The provision of any additional advertisement panels, signage or advertising features at or above ground floor level on the facades or gables of buildings will not be permitted.
- Banner type signs and advertising sheeting covering any façade or part of a façade of a building is not acceptable.
- The provision of temporary advertisement structures on or projecting from any part of the façade or gable of a building or hung between buildings will not be permitted.
- The provision of lettering on upper floor windows for the upper floor uses should not exceed 25% of the glazed area (measured as a rectangle enclosing all letters). The remaining window area shall be clear glazing.
- The obscuring of the main façade windows at any level will not be permitted
- Internally illuminated signs including box signs, illuminated scrolling signs, digital signs or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the façade (s) of a building or internally behind the glazing or shopfronts.

## **PART 4 - The Built Fabric**

### **4.4.1. Key Objective (8): To secure the retention of the historic fabric of the area.**

It is the objective of Dublin City Council to seek to achieve sustainability and energy conservation through the refurbishment and restoration of a finite resource and the securing of sustainable uses for these buildings. **The Architectural Conservation Area plan introduces general controls over works to the exterior of non-protected buildings. These controls will continue to apply.**

In order to protect the essential character of the built fabric, owners / occupiers of buildings in the area are advised to observe the following general guidelines and are advised to consult and comply with the **Grafton Street & Environs – Architectural Conservation Area Plan.**

### **4.4.2. Non- Protected Structures**

Under the Grafton Street Architectural Conservation Area plan, planning permission is required for certain types of development previously exempt under the Planning and Development Regulations. In other words, development which would consist of or comprise the carrying out of works to the exterior of a structure located within the Architectural Conservation Area and that would materially affect the character of the area concerned will no longer be exempted development.

- Original architectural features such as mouldings, cornices and window architraves should be retained or where appropriate reinstated or restored.
- All brickwork and stonework, pointing and rendering should be regularly maintained.
- Painting brick or stonework is unacceptable.
- Windows, in particular front windows should be retained or where appropriate reinstated or restored. When replacing front windows on non-protected structures, the original timber / metal window design should be copied taking particular care that the detailing of frames and glazing bars match exactly and that the windows are set at the same depth within the window openings as the originals.
- Modern uPVC or aluminium windows will not be acceptable.
- Interior joinery, fittings and decorative plasterwork should be retained or where appropriate reinstated or restored.

### **4.4.3. Protected Structures**

Under the Planning and Development Act 2000, (as amended), planning permission is required for all works that would materially affect the character of a structure that is included on the Record of Protected Structures or any element of the structure that contributes to its special interest.

An owner / occupier may request Dublin City Council to issue a declaration indicating what works would or would not materially affect the character of the structure or any element thereof.

## **PART 5 - The Public Realm**

**5.5.1 Key Objective (9): To promote high quality and inclusive design to improve the quality of the public realm and open spaces.**

**5.5.2 Key Objective (10): To provide for a high quality range of street furniture that will enhance the public realm.**

5.5.3. City centres must provide a high quality environment if they are to continue to be places where people wish to come. Greater consideration of design will help to improve this. The quality of the environment of the area is important for continuing prosperity and enhancement.

5.5.4. 'Your City, Your Space; Dublin City Public Realm Strategy' was adopted by Dublin City Council in September 2012 with the aim of improving Dublin's attractiveness to those who live, work in or visit the city by agreeing standards for how the public realm is planned, designed and managed. One action to be implemented, the Grafton Street Quarter Public Realm Plan, has been progressing well, with public realm works at Harry Street, Balfe Street, Chatham Street and Chatham Lane recently completed. Other projects under way relate to works at Clarendon Street, Clarendon Row, Duke Street, South Anne Street, Duke Lane and Anne's Lane.

5.5.5. The replacement of Grafton Streets brick paving with natural granite is now complete, and this texture complements rather than competes with the visually rich and complex range of shopfront styles and architectural building elevations along Grafton Street. The design includes contemporary high quality street furniture and a way-finding path affording an obstruction free route along one side of the street.

5.5.6 The opening of the Luas Cross City route in 2017 has transformed public realm in the wider area. Whilst the route does not traverse the immediate area of the scheme, the presence of new Luas stops closeby on Dawson Street and Westmoreland Street significantly improve public transport accessibility to the area, particularly from the broader Luas network. The pre-existing St. Stephens Green stop also provides close access to Grafton Street. Various public realm street improvements have been carried out along the new section of the route. In order to avoid adverse impact on Luas operation and safety within the Grafton Street Area of Special Planning Control, any utility or other party, including businesses situated along the light railway, and their respective contractors, proposing to undertake works on, near or adjacent the light railway, shall comply with the requirements set out in Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' 2016.

5.5.7. In general, given the relatively narrow width of Grafton Street and the high pedestrian footfall the provision of certain elements of street furniture on the public footpath or private landings will not be favourably considered. These elements include newspaper stands, A-frames and spinner stands erected by retailers or tables and chairs for cafes, restaurants or bars.

5.5.8. Elsewhere within the study area the following standards will be applied to proposals for these elements of street furniture: -

- Street furniture will require either a licence under Section 254 of the Planning and Development Act 2000, (as amended) or planning permission (including street furniture erected on private landings)
- No merchandising or products shall be displayed on the public footpath or outside premises.

- No amplified announcements, music or other material shall be played from any premises to advertise goods or services, and no loudspeakers or other amplification apparatus shall be affixed on or about the front of the premises for such a purpose. Any such sounds within the premises shall be controlled so as to be inaudible from adjoining premises or at 2 metres from the frontage. These standards accord with the general site development standards as set out in paragraph (16.30) of the Dublin City Development Plan 2016-2022.

## **Appendix 1 Definitions**

### **Amusement arcade**

A building or part thereof, used for the playing of gaming machines, video games or other amusement machines. It may also include a bowling alley, quasar complex, pool or snooker hall, or indoor children's play centre.

### **Book stores**

An outlet that primarily sells books as well as related items such as newspapers and maps.

### **Bookmakers / Betting shop**

Premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931 (No. 27 of 1931)

### **Catalogue shop**

Primary means of displaying goods to customers is via a catalogue. Goods are stored back of shop. Customers can browse through the catalogue, select items to buy, pay for items and then collect the items from a counter in store or request home delivery.

### **Charity shop**

A shop in which a charity sells used goods that are given to it, or in which they sell new goods, in order to generate an income for the work of the charity.

### **Collect store**

A collection facility associated with internet shopping. Collection can require person to person contact, can utilise a self-service locker system, or can utilise both forms of collection.

### **Comparison goods**

Examples of such goods are clothing and footwear, furniture and household equipment (excluding non-durable foods) medical and pharmaceutical products, therapeutic appliances and equipment, educational and recreational equipment and accessories, books, newspapers and magazines, goods for personal care and goods not elsewhere classified.

### **Convenience goods**

Examples of such goods are food, alcoholic and non-alcoholic beverages, tobacco, and nondurable household goods.

### **Cosmetics / Beauty products**

An outlet that sells skin & hair care products; make up, fragrances and other associated accessories.

### **Discount shop / End of lines / Closing down/ Sales outlets**

An outlet that sells reduced items, discontinued lines for an extended periods beyond and outside the normal sales period.

### **Estate agent**

Agency selling and renting property, showcasing property Schemes and in some cases (International property agents) providing travel agency services to visit the properties.

### **Euro store**

An outlet selling inexpensive merchandise often with a single price for all items in the shop

### **Fast food outlet**

An outlet that sells hot and cold food and drinks – packaged and wrapped without waiter service for consumption on the premises.

**Flagship store**

Larger than life statement about the Retailer Company and brand, size, location and prestige image to influence the consumer.

**Hairdresser**

A shop where washing, cutting, styling, etc of hair takes place.

**Health food shop**

An outlet that sells an extensive selection of organic produce, grocery, dairy, and bulk foods and herbs, as well as vitamins, slimming / detox products, sports supplements and homeopathics, cruelty-free body care / hair care, and aromatherapy products.

**Higher order goods and lower order goods**

Goods are classed on a relative scale from lower order to higher order goods. Lower order goods are those goods, which consumers need frequently and therefore are willing to travel only short distances for them. Higher order goods are needed less frequently so consumers are willing to travel further for them. These longer trips are usually undertaken for not only purchasing purposes but other activities as well. (Brian J.L.Berry 1966)

**Launderette or dry cleaners**

Self-service laundry or service washes and dry cleaning of clothing.

**Lifestyle stores**

Specialist mini-department stores selling a co-ordinated lifestyle e.g. Urban Outfitters

**Mobile phone shop and related goods**

An outlet that sells mobile phones, mobile phone accessories and related goods.

**Mortgage store / Financial institution**

The provision of financial services where the services are provided principally to visiting members of the public.

**Newsagents / Convenience store**

A retail outlet which sells a range of goods including confectionary, soft drinks, cigarettes, newspapers and magazines, fresh and packaged foods.

**Niche**

An outlet catering for a restricted target market segment as focused retailing with differentiation.

**Off-licence**

A retail outlet or part of a retail outlet that sells intoxicating liquor for consumption off the premises, including wines, spirits and beers.

**Personal care and grooming services**

Notwithstanding hairdresser (above), any other service that involves a person providing a service to another person for the purposes of personal care and/or grooming. Such uses include but are not limited to: beauty treatments and aesthetics (skin and body therapy), electrolysis, massage, piercing, tanning, tattooing / tattoo removal, teeth cleaning & whitening.

**Pharmacy**

A retail outlet that sells prescription and non-prescription drugs as well as a range of healthcare and beauty products.

**Phone call centre / Internet café**

An outlet where the service is principally to visiting members of the public and consists of the provision of access to online computer services including the internet and email, with or without (limited or otherwise) restaurant facilities.

**Restaurant and Café**

A building where the primary function is for the sale of food, meals / refreshments for consumption on the premises.

**Seasonal shop**

A shop that sells seasonal items. This includes but is not limited to: calendar shops and shops that sell seasonal decorations, gifts and costumes (i.e. those associated with Halloween, Christmas, St. Patrick's Day & Easter etc).

**Sex shop**

A retail outlet, which inter alia rents or presents for viewing sexually explicit printed material or films including videos, clothing, sex aids and toys.

**Souvenir/Gift shop**

An outlet selling mainly memorabilia, for example shirts, hats, pins, toys and books.

**Stationary / Card shop**

An outlet selling stationary and cards.

**Supermarket**

A retail outlet selling mainly food, but also on occasions confectionary, soft drinks, cigarettes, newspapers, magazines and alcohol.

**Take-away**

An outlet that sells hot food for consumption off the premises

**Travel agent**

A travel agency is a business that sells travel related products and services to customers on behalf of third party travel suppliers such as airlines, hotels and cruise lines.

**Wine shop**

A retail outlet or part of a retail outlet that sells wine.

## **Appendix 2: Appropriate Assessment and Strategic Environmental Assessment**

### Appropriate Assessment (AA)

An Appropriate Assessment Screening of the proposed review and amendments to the Scheme of Special Planning Control for Grafton Street and Environs, has taken place in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

The proposed review and amendments has been assessed to ascertain if it is required to be subject to an *'Appropriate Assessment'* under the EU Habitats Directive. Based on the *'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'*, a *'Screening Matrix'* and a *'Finding of No Significant Effects Matrix'* have been completed.

The principal trigger for undertaking an *'Appropriate Assessment'* would be if the proposed amendments were likely to have significant effects on a Natura 2000 site. For the purposes of Article 6 assessments, Natura 2000 sites are those identified as Sites of Community Importance under the Habitats Directive (normally called Special Areas of Conservation) or classified as Special Protection Areas under the Birds Directive (79/409/EEC).

Dublin City Development Plan 2016-2022 was subject to a full Appropriate Assessment (AA) throughout all stages of the plan preparation. The appropriate assessment assessed the potential significant impacts on Natura 2000 sites as a result of implementing the policies, objectives and land use zoning objectives of the development plan. Land use zoning objectives were informed by the policies and objectives of the plan as they evolved during the plan-making process. The AA process was undertaken in accordance with established best-practice to date and the methodology was refined in consultation with the National Parks and Wildlife Services (NPWS). It is relevant to note that all the policies and the objectives of the development plan had been screened for AA.

The proposal did not require the benefit of an appropriate assessment because the proposed review and amendments to the Scheme of Special Planning Control (SSPC) for Grafton Street and Environs does not significantly alter any policy or objective of the development plan

However, in line with the precautionary principle, it was considered appropriate to undertake an appropriate assessment screening as the proposal forms part of the Dublin City Development Plan 2016 – 2022.

Stage 1 screening indicates that the proposed review and amendments to the Scheme of Special Planning Control (SSPC) for Grafton Street and Environs will not have any significant cumulative, direct or indirect impacts upon any of the Natura 2000 sites. Therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

## Strategic Environmental Assessment (SEA)

The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21st July 2004. The Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (SI No. 201 of 2011).

A Strategic Environmental Assessment Screening of the proposed revisions to the Scheme of Special Planning Control for Grafton Street and Environs, has taken place.

The proposal does not require a Strategic Environmental Assessment because the proposed review and amendments to the Scheme of Special Planning Control (SSPC) for Grafton Street and Environs does not significantly alter any policy or objective of the development plan. However, it was considered appropriate to undertake an SEA Screening as the Scheme forms part of the Dublin City Development Plan 2016 – 2022 and is located in an Architectural Conservation Area.

The Planning Authority determined, using the criteria set out in Schedule 2A Planning and Development Regulations, 2001 (as amended), the DoEHLG SEA Guidelines and Annex 2 of Directive 2001/42/EC that a Strategic Environmental Assessment is not required for the proposed review and amendments.

The Scheme of special planning control has been examined and by reason that the proposed review and amendments affects a limited area and taking into consideration the restricted nature of its intended impact, the revised Scheme is deemed not to have any significant environmental effects.

## APPROPRIATE ASSESSMENT (AA) SCREENING

In accordance with the requirements of Article 6(3) of the  
EU Habitats Directive (92/43/EEC)

### Proposed Review and Amendments To The Scheme of Special Planning Control (SSPC) For Grafton Street And Environs

#### Section 1.0 – Introduction

##### *Background Context*

This is an Appropriate Assessment Screening of the proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

Passed by resolution of Dublin City Council in 2013, the Scheme of Special Planning Control (or SSPC) for Grafton Street and Environs has been in place for over 5 years. It replaced a previous scheme dating from 2007. The purpose of the SSPC is essentially to reinforce Grafton Street's reputation as a major shopping destination, providing a wide range of multiple and independent stores, as well as 'lifestyle stores', flagship stores, niche and specialist retailers.

Under the relevant legislation, Section 86 of the Planning and Development Act 2000 (as amended), a Planning Authority is obliged to review such a scheme every 6 years, and may by resolution 'amend or revoke' the scheme in accordance with stated requirements.

**This AA Statement forms part of the documentation to this statutory review process.**

Section 84(3) of the Planning and Development Act 2000 (as amended), provides that a scheme, prepared under subsection (1) shall be in writing and shall be consistent with the objectives of the relevant development plan and any local area plan or integrated area plan (within the meaning of the Urban Renewal Act, 1998) in force relating to the area to which the scheme relates.

Section 84(5) of the Planning and Development Act 2000 (as amended), provides that a scheme shall contain information, including information of such class or classes as may be prescribed by the Minister, on the likely significant effects on the environment of implementing the scheme.

It should be noted that a Strategic Environmental Assessment (SEA) Screening Report has been prepared for this Draft 2019 SSPC, as part of the documentation for this review.

##### *The Draft 2019 SSPC*

Since the adoption of the scheme in 2013, the context for the area of special planning control has changed significantly. Influential factors include the adoption of a new City Development Plan (2016-2022) inclusive of revised and updated policies relating to retailing, public realm, and conservation.

The broad economic environment has also strengthened, and public realm and public transport have both progressed in the vicinity of Grafton Street.

As such, the main recommendations from the review is to bring the existing Grafton Street SSPC up to date after 6 years, in particular with the current Development Plan 2016-2022 and infrastructural projects including the Luas Cross City and public realm upgrading works under the Grafton Street Quarter Public Realm Plan. The subject site is delineated on the map below.

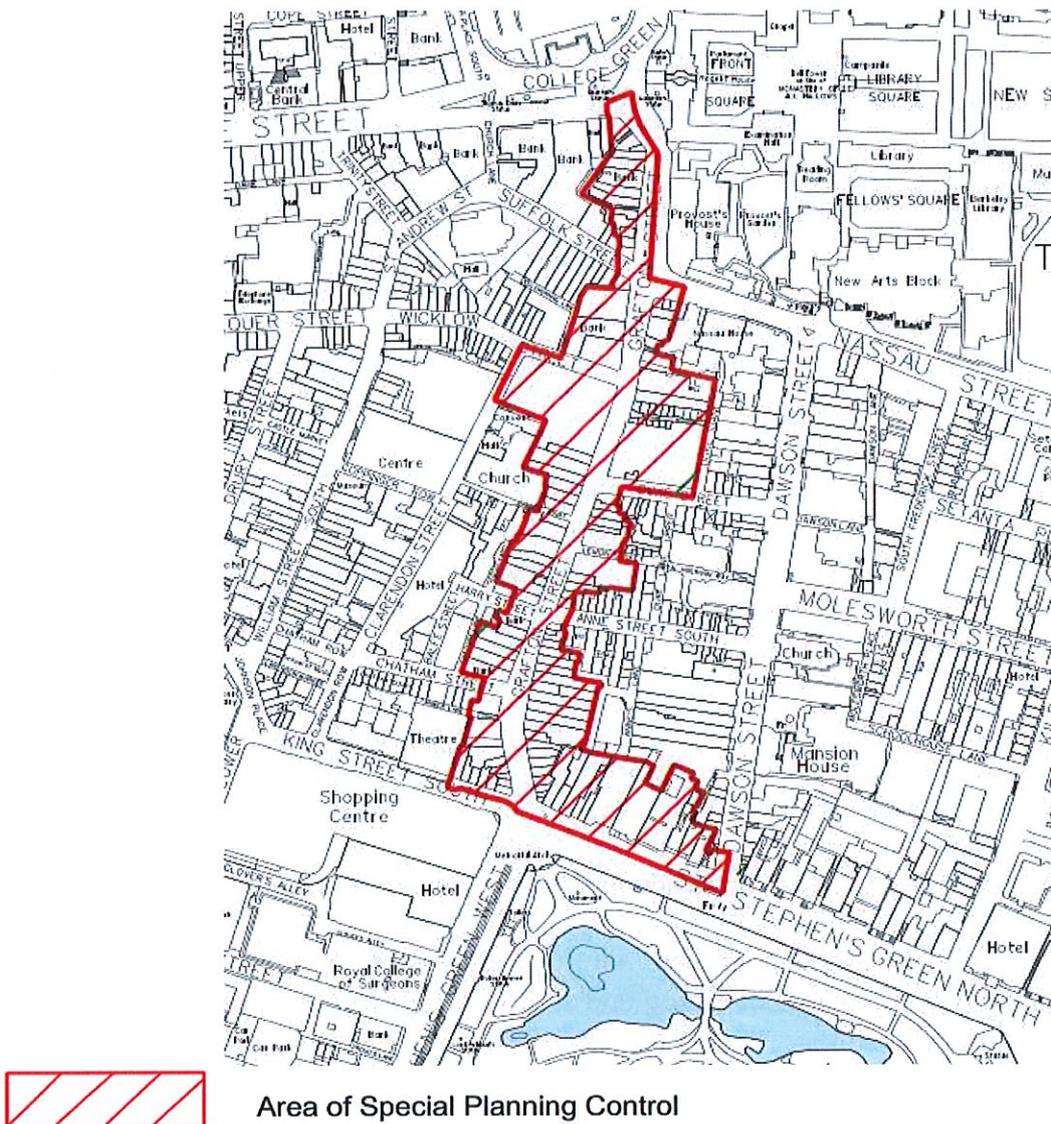


Fig. 1: Location of the Scheme of Special Planning Control for Grafton Street and Environs

In the interests of clarity, there is no change to the redline boundary delineated in Figure 1 above, depicting the Scheme of Special Planning Control for Grafton Street and Environs. The geographic area remains the same. The Draft 2019 SSPC includes approximately 16 number text changes to the scheme.

The Draft 2019 SSPC has been assessed to ascertain if it is required to be subject to an 'Appropriate Assessment' under the EU Habitats Directive. Based on the 'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC', a 'Screening Matrix' and a Finding of No Significant Effects Matrix' have been completed. The principal trigger for undertaking an 'Appropriate

Assessment' would be if the Draft 2019 SSPC was likely to have significant effects on a Natura 2000 site.

For the purposes of Article 6 assessments, Natura 2000 sites are those identified as Sites of Community Importance under the Habitats Directive (normally called Special Areas of Conservation [SACs]) or classified as Special Protection Areas [SPAs] under the Birds Directive (79/409/EEC or candidates sites under either).

There are no Natura 2000 sites directly linked to the area of the proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs. The nearest Natura 2000 site is c.2.6km to the east of the subject site, within Dublin Bay.

The Natura 2000 sites within the wider vicinity of the Scheme of Special Planning Control for Grafton Street and Environs area and within the Dublin region are as follows:

North Dublin Bay cSAC (IE000206)

South Dublin Bay cSAC (IE000210)

Bull Island SPA (IE00406)

South Dublin Bay & River Tolka Estuary SPA (IE004024)

Baldoyle Bay SPA (IE004016)

Baldoyle Bay cSAC (IE000199)

Howth Head cSAC (IE000202)

Howth Head Coast SPA (IE004113)

Irelands Eye cSAC (IE002193)

Irelands Eye SPA (IE004117)

Malahide Estuary cSAC (IE000205)

Malahide Estuary SPA (IE004025) 13,

Rogerstown Estuary SPA (IE004015)

Rogerstown Estuary SAC (IE000208)

Rockabill to Dalkey Islands cSAC (IE003000)

Dalkey Islands SPA (IE004172)

Circular Letter SEA 1/08 & NPWS 1/08 issued by the Department of Environment, Heritage and Local Government requires that, as a result of European Court of Justice Case 418/04 EC Commission v Ireland, any draft land use plan (or amendments or variations) proposed under the Planning & Development Act 2000 (as amended) must be screened for any potential impact on areas designated as Natura 2000 sites. The results of the screening should be recorded and made available to the public.

Figure 2 below illustrates all of the designated sites in the wider vicinity of the area of Scheme of Special Planning Control Scheme for Grafton Street and Environs.

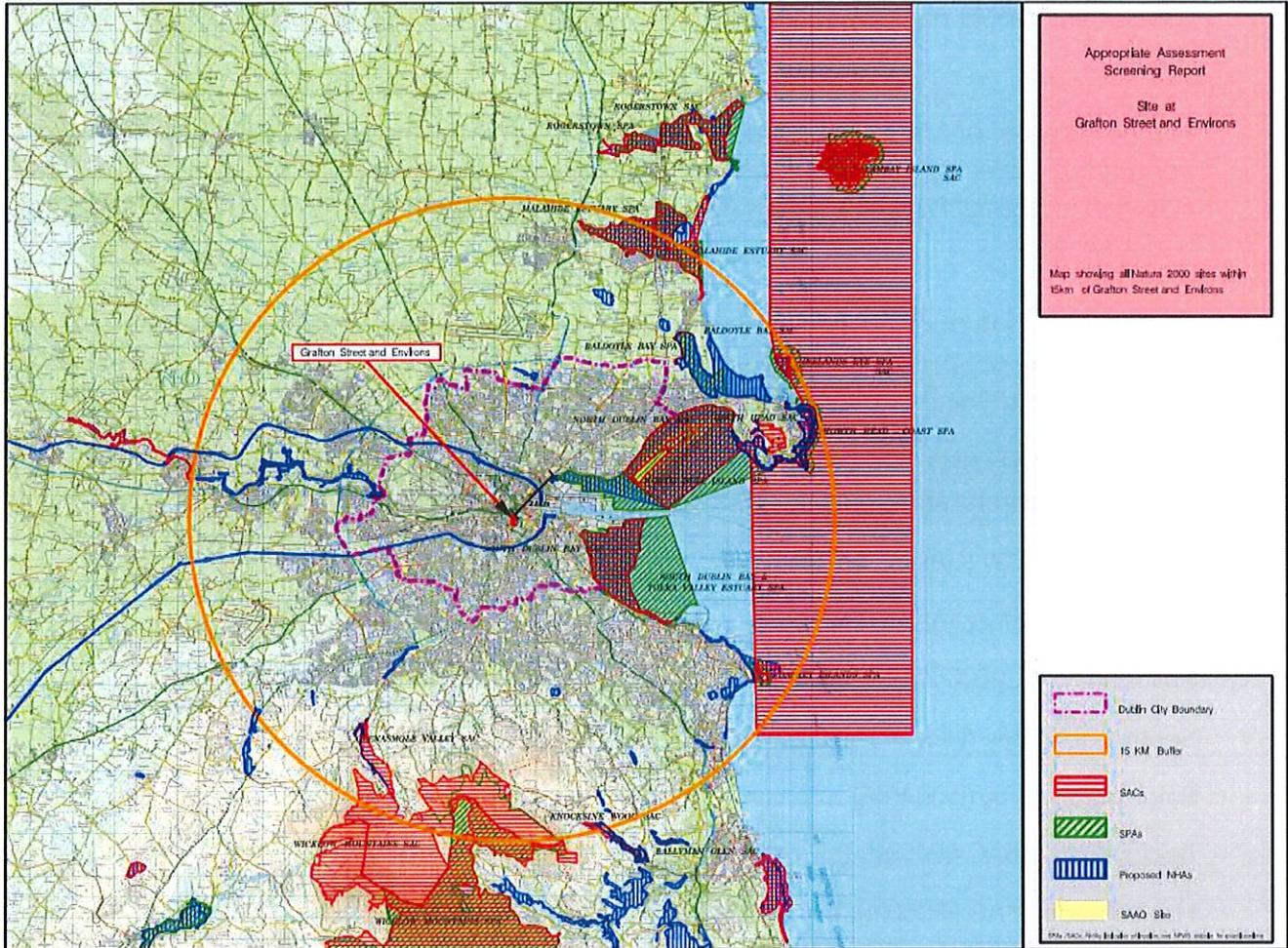


Fig 2: Subject site in the context of the Natura sites

## Section 2.0: Screening Matrix

<p><b>BRIEF DESCRIPTION OF PROJECT OR PLAN</b></p>	<p>The Proposed Review and Amendments to the Special Planning Control Scheme for Grafton Street and Environs responds to Section 86 of the Planning and Development Act 2000 (as amended), where a Planning Authority is obliged to review a Special Planning Control Scheme every 6 years, and may by resolution 'amend or revoke' the scheme in accordance with stated requirements.</p> <p>There are approximately 16 number text changes that form the amendments to the proposed review and amendments to the Special Planning Control Scheme for Grafton Street and Environs. It is considered that these changes would be in accordance with the proper planning and sustainable development of the area.</p>
<p><b>BRIEF DESCRIPTION OF THE NATURA 2000 SITES</b></p>	<p>The subject site does not directly affect any Natura 2000 sites. The closest Natura 2000 sites are located within Dublin Bay and include a wide variety of inter-tidal marine and coastal zoned habitats supporting a range of species including Annex 1 bird species.</p>
<p><b>ASSESSMENT CRITERIA</b></p>	<p>There is no Natura 2000 site located in the subject site. There are no likely cumulative, direct or indirect impacts on any Natura 2000 sites as a result of the proposed text changes to the Scheme of Special Planning Control Scheme for Grafton Street and Environs, given the nature of the designation and the separation distances involved.</p> <p>In both ecological and environmental impact assessment, for an impact to occur there must be a risk enabled by having a 'source' (e.g. construction works at a proposed development site), a 'receptor' (e.g. a SAC or other ecologically sensitive feature), and a pathway between the source and the receptor (i.e. a watercourse which connects the Draft 2019 SSPC area to the SAC). Where a pathway exists, but the magnitude of the potential impact generated at the source is sufficiently small, the pathway can be ruled out.</p> <p>An Appropriate Assessment was carried out at all stages of the Development Plan 2016-2022 in order to ensure that its policies and objectives do not result in</p>

	<p>significant adverse impacts on the integrity of any of the identified Natura 2000 sites.</p> <p>The proposed text changes to this proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs do not change the policies or objectives of the Development Plan 2016-2022.</p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:</p>	
<ul style="list-style-type: none"> <li>• <i>Scale and size</i></li> </ul>	<p>Any relevant future new development will be integrated into the established urban pattern and is not predicted to have any likely impact on the conservation function of any Natura 2000 site in respect to size or scale.</p>
<ul style="list-style-type: none"> <li>• <i>Land-take</i></li> </ul>	<p>Not applicable.</p>
<ul style="list-style-type: none"> <li>• <i>Distance from Natura 2000 site or key features of the site</i></li> </ul>	<p>The site of the Draft 2019 SSPC is c2.6km from the nearest Natura 2000 sites, the South Dublin Bay and River Tolka Estuary SPA (IE004024). The Draft 2019 SSPC is not predicted to have any likely impact on the key features or the conservation function of any Natura 2000 sites.</p>
<ul style="list-style-type: none"> <li>• <i>Resource requirements (water abstraction etc.)</i></li> </ul>	<p>Resource supply, including potable water, will be provided from existing municipal infrastructure. Any potential indirect or secondary impact on the conservation function of any Natura 2000 site as a result of any increased population equivalent (P.E) demand for potable water supply will be subject to a separate higher level Appropriate Assessment/ Strategic Environmental Assessment (SEA) at regional level.</p>
<p><i>Emission (disposal to land, water or air);</i></p>	<p>No predicted likely direct impact on the conservation function of any Natura 2000 site is predicted as a result of the implementation of the draft 2019 SSPC. The most likely potential indirect or secondary impact on a Natura 2000 site is by way of effluent discharge from the Ringsend waste water treatment plant which serves the entire Dublin region to Dublin Bay.</p> <p>Any future planning permission will be subject to conditions to ensure disposal to land, water and air has no impact on any Natura 2000 site. In addition,</p>

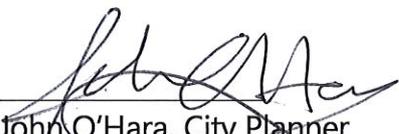
	<p>there is a commitment under the Dublin City Development Plan 2016—2022 to "support and facilitate Irish Water to ensure the upgrading of wastewater infrastructure, in particular the upgrading of the Ringsend Wastewater Treatment Plant" (objective SI02).</p> <p>In accordance with the Water Framework Directive (WFD), the Government has published the River Basin Management Plan for Ireland 2018-2021. The Plan sets out the actions that Ireland will take to improve water quality and achieve 'good' ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2027. This includes the River Liffey.</p>
<i>Excavation requirements;</i>	Not applicable.
<i>Transportation requirements;</i>	Not applicable.
<i>Duration of construction, operation, decommissioning, etc;</i>	Not applicable.
<i>Other</i>	None
Describe any likely changes to the site arising as a result of:	
<i>Reduction of habitat area:</i>	Not applicable.
<i>Disturbance to key species;</i>	Not applicable.
<i>Habitat or species fragmentation;</i>	Not applicable.
<i>Reduction in species density;</i>	Not applicable.
<i>Changes in key indicators of conservation value</i>	Not applicable.
<i>Climate change:</i>	Not applicable.
Describe any likely impacts on the Natura 2000 site as a whole in terms of:	
<i>Interference with the key relationships that define the structure of the site</i>	No predicted likely impact on the structure of any Natura 2000 sites.
<i>Interference with key relationships that define the function of the site</i>	No predicted likely impact on the conservation function of any Natura 2000 sites.
Provide indicators of significance as a result of the identification of effects set out above in terms of	
<i>Loss</i>	Not applicable.
<i>Fragmentation</i>	Not applicable.
<i>Disruption</i>	Not applicable.
<i>Disturbance</i>	Not applicable.

<i>Change to key elements of the site (e.g. water quality etc.)</i>	Not applicable.
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.	
No predicted likely impact on the conservation function of any Natura 2000 sites.	

### Section 3.0: Finding of No Significant Effects Matrix

Name of project or plan	The Proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs.
Name and location of Natura 2000 sites:	Natura 2000 sites in the wider vicinity of the area to the Draft 2019 SSPC are provided in Section 1, Introduction, above.
Description of the project or plan	As provided in the Section 2, Screening Matrix above.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No. The site is c. 2.6 km from the nearest Natura site (IE004024).
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	The Draft 2019 SSPC adheres to the Dublin City Development Plan 2016-2022 which is compliant with the Habitats.  It is not predicted that the Draft 2019 SSPC will have any impact on the conservation function of any Natura 2000 site.
<b>THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS</b>	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	There are no predicted likely impacts on the conservation function of any Natura 2000 sites.
Explain why these effects considered significant:	It is not predicted that the Draft 2019 SSPC will have any impact on the conservation function of any Natura 2000 site.
Response to Consultation	

<b>DATA COLLECTED TO CARRY OUT THE ASSESSMENT</b>	
<b>Who carried out the Assessment?</b>	Planning and Property Development Department Dublin City Council.
<b>Sources of Data</b>	<p>Existing data</p> <p>As part of the Appropriate Assessment screening process for the Draft 2019 SSPC, particular reference has been made to the following documents:</p> <p style="padding-left: 40px;">Managing Natura 2000 sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC.</p> <p style="padding-left: 40px;">Circular letter SEA 1/08 and NPVVS 1/08. (February 2008) Department of the Environment Heritage and Local Government (DoEHLG) Department of the Environment Heritage and Local Government (DoEHLG) Circular letter NPWS 1/10 and PSSP 2/10 (March 2010)</p> <p style="padding-left: 40px;">Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities. Department of Environment, Heritage and Local Government (2010) DoEHLG.</p> <p>Natura Impact Report (NIR) of the Dublin City Development Plan 2016-2022.</p> <p>Existing NPWS Data.</p> <p>Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. (2002) European Commission.</p>
<b>Level of Assessment Completed</b>	Desktop study.
<b>Where can the full results of assessment the assessment be accessed and viewed</b>	This document contains the full results of the Appropriate Assessment Screening exercise and will be placed on display with the public display documentation for this Draft 2019 SSPC.
<b>Overall Conclusion</b>	Stage 1 screening indicates that the Draft 2019 SSPC will not have any significant cumulative, direct or indirect impacts upon any of the Natura 2000 sites. Therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

 Vera Blake, Executive Planner	 John O'Hara, City Planner



# STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) SCREENING REPORT

## Proposed Review and Amendments To The Scheme of Special Planning Control (SSPC) For Grafton Street And Environs

### 1 Preliminary:

The SEA (Strategic Environmental Assessment) Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21st July 2004. The Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (SI No. 201 of 2011).

Passed by resolution of Dublin City Council in 2013, the Scheme of Special Planning Control (or SSPC) for Grafton Street and Environs has been in place for over 5 years replacing a previous scheme dating from 2007.

Under the relevant legislation, Section 86 of the Planning and Development Act 2000 (as amended), a Planning Authority is obliged to review such a scheme every 6 years, and may by resolution 'amend or revoke' the scheme in accordance with stated requirements.

Section 84(3) of the Planning and Development Act 2000 (as amended), provides that a scheme, prepared under subsection (1) shall be in writing and shall be consistent with the objectives of the relevant development plan and any local area plan or integrated area plan (within the meaning of the Urban Renewal Act, 1998) in force relating to the area to which the scheme relates.

Section 84(5) of the Planning and Development Act 2000 (as amended), provides that a special planning control scheme shall contain information, including information of such class or classes as may be prescribed by the Minister, on the likely significant effects on the environment of implementing the scheme.

### 2 Purpose of Report:

The purpose of the report is to consider whether the proposal requires a SEA.

The assessment is based on the criteria set down in Schedule 2A of the Planning and Development Regulations 2001, as amended, the DoEH&LG SEA Guidelines and Annex II of Directive 2001/42/EC.

### **3 Proposal:**

Since the adoption of the special planning control scheme in 2013, the context for the area of special planning control has changed significantly. Influential factors include the adoption of a new City Development Plan (2016-2022) inclusive of revised and updated policies relating to retailing, public realm, and conservation.

The broad economic environment has also strengthened, and public realm and public transport have both progressed in the vicinity of Grafton Street.

As such, the main recommendations from the review are to bring the existing Grafton Street SSPC up to date after 6 years, in particular with the current Development Plan 2016-2022 and infrastructural projects including the Luas Cross City and public realm upgrading works under the Grafton Street Quarter Public Realm Plan. The subject site is delineated in red, on the map below (see Figure 1).

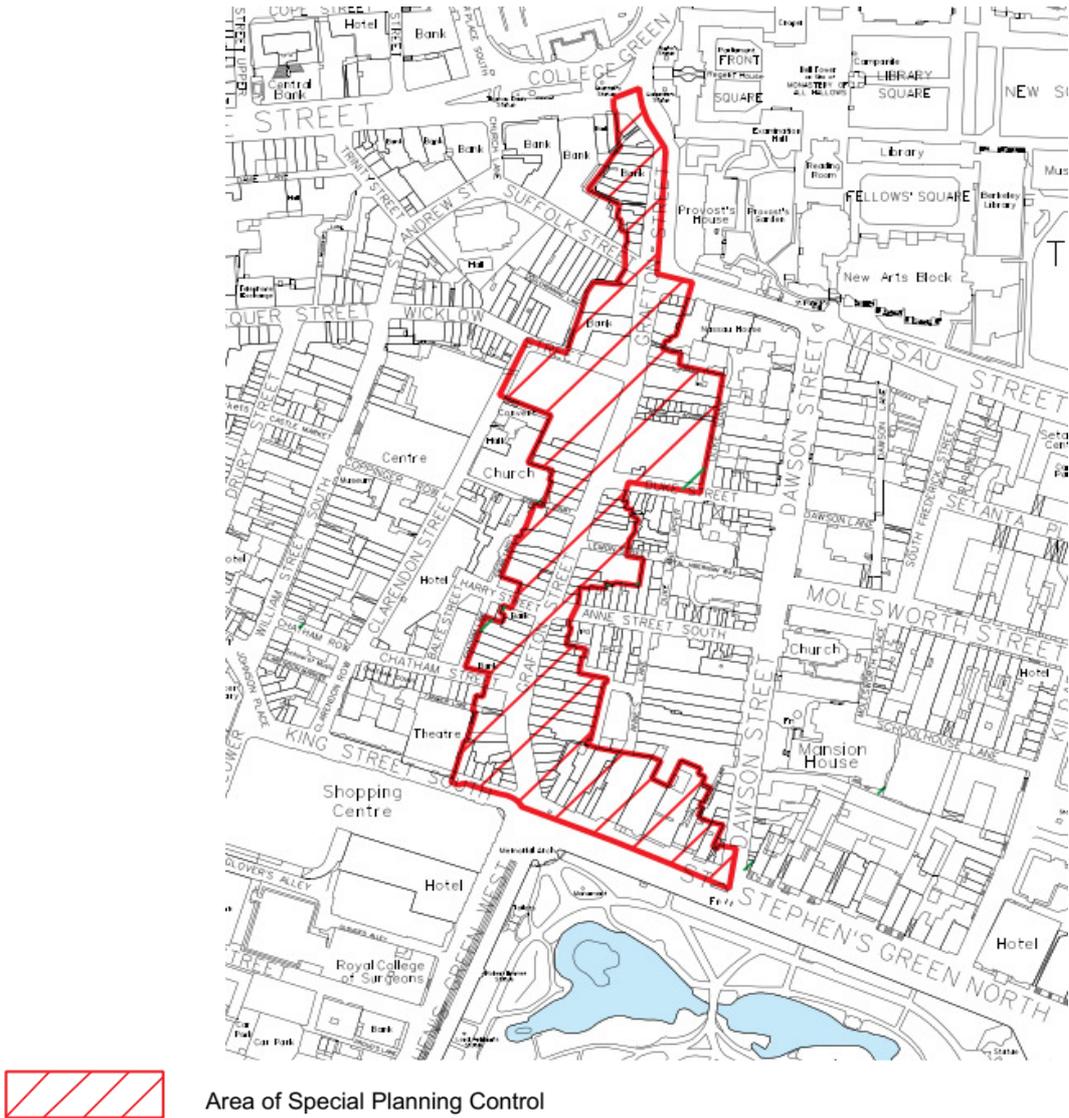


Fig. 1: Location of the approved Special Planning Control Scheme for Grafton Street and Environs 2013

**4 Further Detail on the Proposal:**

In the interests of clarity, there is no change to the redline boundary delineated in Figure 1 above, depicting the Scheme of Special Planning Control Scheme for Grafton Street and Environs. The geographic area remains the same.

The proposal will include approximately 16 no. text changes to the approved scheme

5 **Assessment in terms of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004-2019**

An assessment of the proposal in terms of the criteria set out in Schedule 2A of the Planning and Development Regulations 2001, as amended, is set out in tabulated format, hereunder.

**THE CHARACTERISTICS OF THE PLAN HAVING REGARD IN PARTICULAR TO:**

*The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources;*

This proposal will not set a framework for projects and other activities. It will allow for the provision of a mix of uses in accordance with the Dublin City Development Plan 2016 — 2022.

*The degree to which the plan influences other plans, including those in a hierarchy.*

This proposal is compatible and complementary with the strategies, policies and objectives of the Dublin City Development Plan 2016 - 2022.

*The relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.*

This proposal is being prepared under the Planning and Development Act 2000 (as amended) and therefore must adhere to the principles of proper planning and sustainable development.

The amendments to the Scheme of Special Planning Control for Grafton Street and Environs Plan provides for sustainable development in well connected locations.

*Environmental problems relevant to the plan.*

It is not considered that there will be any significant environmental problems generated by the proposal.

*The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste management or water protection).*

The Draft 2019 SSPC is considered under the Dublin City Development Plan 2016-2022 and would only have relevance at local scale (if any) to the implementation of European Union legislation on the environment.

**CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED, HAVING REGARD, IN PARTICULAR, TO:**

***The probability, duration, frequency and reversibility of the effects.***

It is considered that the characteristics of the effects of the Draft 2019 SSPC will largely be positive.

***The cumulative nature of the effects.***

It is considered that there may be some cumulative effects. However a key objective of the Development Plan is to balance the intensification of uses in an area and to protect the surrounding-environment.

***The transboundary nature of the effects.***

Grafton Street and its environs is located entirely within the administrative area of Dublin City Council. The proposal will have no national, regional or inter-county transboundary effects.

***The risks to human health or the environment (e.g. due to accidents).***

The Draft 2019 SSPC will not result in any risks to human health.

***The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected).***

The proposed amendments to the Scheme of Special Planning Control for Grafton Street and Environs does not affect an area greater than the 2013 scheme as there is no geographic spread and will allow for the provision of a rich mix of largely retail uses in the area. The effects of the Draft 2019 SSPC on the area and in the wider environs will be minimal.

***The value, and vulnerability of the area likely to be affected due to:***

***A -special natural characteristics or cultural heritage;***

Section 84 of the Planning & Development Act 2000, as amended, makes clear that a Planning Authority may apply an area of special planning control to an Architectural Conservation Area (ACA). The Scheme of Special Planning Control for Grafton Street and Environs attaches to the Architectural Conservation area. As such the Draft 2019 SSPC enhances the 'protection' of the ACA, safeguarding the value of the rich historic area.

This area is city centre, a rich archaeological area of interest located inside the pre 1860 ring, straddling both Georgian Core and Medieval City. Policy CHC9 of the Dublin City Development Plan 2016 — 2022 states inter alia that sites within zones of archaeological interest will be subject to consultation with the City Archaeologist and archaeological assessment prior to any planning application being lodged.

***B -exceeded environmental quality standards or limit values;***

It is not expected that any environmental quality standards will be exceeded or that the value of vulnerable areas limited as a result of the Draft 2019 SPCC.

***C -intensive land use***

The proposed review and amendments to the Scheme of Special Planning Control for the Grafton Street and Environs allows for an appropriate mix of uses to be provided, all in accordance with the objectives of the Dublin City Development Plan 2016 – 2022. Such provision would accord with the principles of proper planning and sustainable development of this area.

*The effects on areas or landscapes which have a recognised national, European Union or international protection status.*

The area has no national, European Union or international protection status and consequently there is no effect.

## 6 Conclusion:

The Draft 2019 SSPC has been examined in light of the criteria detailed in Schedule 2A and Dublin City Council is of the view that it does not require SEA. This decision is based on the area of land directly affected by the Draft 2019 Scheme and on the magnitude and spatial extent of the likely impacts of the Draft 2019 Scheme, which are deemed not to be significant.

Therefore, the Planning Authority, Dublin City Council has determined that an SEA is not required for the Proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs.

## 7 Recommendation:

The Strategic Environmental Assessment procedure is not necessary for the Draft 2019 SSPC, prepared under Section 84(5) of the Planning and Development Act 2000 (as amended), which provides that a special planning control scheme shall contain information, including information of such class or classes as may be prescribed by the Minister, on the likely significant effects on the environment of implementing the scheme.



Vera Blake  
Executive Planner