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- (a) Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8)
(b) Local Government Act 2001 (as amended)
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In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:

Application No: 2774/19

Proposal: LAW: Planning and Development Act 2000 (as amended)

Planning and Development Regulations 2001 (as amended) - Part VIII

Applicant: Dublin City Council Environment & Transport

Location: Liffey Street Lower, between Bachelors Walk and Middle Abbey Street, and Liffey Street Upper, between Middle Abbey Street and Henry Street.

Proposal: Proposed Public Realm Improvement Works at Liffey Street Upper & Liffey Street Lower, Dublin 1.

The site includes the entire lengths of Liffey Street Lower, between Bachelors Walk and Middle Abbey Street, and Liffey Street Upper, between Middle Abbey Street and Henry Street.

The nature of the Public Realm Improvement Works includes; upgrade & widening of footpaths, introduction of new pedestrian plaza (during designated hours), upgrade and provision of pedestrian crossings, alterations to traffic & parking arrangements, provision of new water feature, provision of additional trees & landscaping, upgraded lighting scheme and new street furniture.

Site Notice:

Site notices in situ and legible on date of inspection 16/5/2019, as per submitted plans.

Site Location:

The subject Part 8 relates to a scheme of public realm improvement works for the entire lengths of Liffey Street Lower, between Bachelors Walk and Middle Abbey Street, and Liffey Street Upper, between Middle Abbey Street and Henry Street.

Proposed Development:

The current Part 8 submission is accompanied by a Planning Design Report, which outlines the rationale of the proposed works. The overall aim of the project is to reinforce the role of Liffey Street as an important pedestrian route linking St Stephen's Green on Dublin's Southside to Parnell Street on the Northside of the City.

The proposed works would consist of minor excavation works and the upgrading of the existing roads and pavements which would not result in any permanent changes to traffic routing as currently operating. The development would, however, seek to introduce time restrictions limiting vehicular movements from Lower Liffey Street junction with Strand Street onto the Quays to between 5:30 am and 11:00 am daily.

The new material palette shall consist of largely Leinster granite and will incorporate a number of additions including the provision of public seating at Woollen Mills plaza (just opposite the Ha'penny Bridge), as well as the provision of seating on Liffey Street Upper. Additional street furniture, which would also include bicycle stands and bollards, are proposed throughout the scheme. In regard to public lighting, two types are proposed that would combine lighting mounted directly on the facades of the buildings as well as arched lampstands from poles along the edges of the footpaths.

In relation to soft landscaping, the four London Plane trees upon the Woollen Mills plaza are to be retained and would be augmented by a planted bed. It has also been indicated that there may be opportunities to introduce trees further along Liffey Street Lower, which would be dependent on the moving of existing underground services. The proposed scheme would make allowance for a number of tree planting areas upon Liffey Street Upper including the use of Cherry Blossom trees. A water feature is proposed, within the plaza space to the southern end of Liffey Street Lower, while the local relocation of the existing Jackie McKenna sculpture is also proposed.

CONSULTATION

The project team undertook an extensive programme of consultation throughout the design development process to ensure a collaborative approach to the design. To this end a number of stakeholder workshops were organised to which a range of stakeholders were invited. These included an invitation to all Elected Representatives from the Central Area, the PPN, local residents, local businesses, internal City Council departments etc.

The first workshops in September 2018 were well attended and included elected representatives, local businesses including the Ilac Centre, Arnott's, The Woollen Mills etc., local residents, representatives of the PPN An Garda Síochána, Fáilte Ireland, the Dublin Civic Trust, various City Council departments etc. A second series of workshops was held in November 2018. The design was well received a wide range of issues were discussed.

A further workshop was organised with the PPN Network in January this year to give details of the design development and the Part 8 process. As at all previous workshops the general response to the improvement scheme for Liffey Street was overwhelmingly positive and while some details remained to be agreed the principle interventions proposed were welcomed. Separately a number of presentations and update reports have been given at Area Committee and SPC over the past 12 months outlining the developing proposals. These will continue during the detailed design stage.

DCC have engaged proactively throughout the design and planning process for the Liffey Street Improvement Scheme. All workshops were well attended and the views and needs of those in attendance have been incorporated where possible and appropriate. There are of course a number of issues that have yet to be dealt with in detail and as is standard these will be developed and agreed during the detailed design stage following receipt of a Part 8 planning permission. These include material finishes (including slip resistance and colour contrasting), the final exact location of street furniture etc. There will be ongoing discussion throughout the detailed design stage on these issues.

Site Planning History

The following planning history files, for sites within close proximity to Liffey Street, are considered to be of relevance:

- 3531/18 Planning Permission Granted for the development of a hotel at No. 97, Abbey Street Middle, Dublin 1, and Nos. 7-15 Henry Street, Dublin 1. The development consists of a 9 No. storey over basement building to provide 257 no. bedrooms and related ancillary hotel facilities and restaurant uses.
- 3172/ 18 Planning Permission Granted construction of a nine-storey (with seventh and eighth floor level set back) over basement aparthotel fronting Great Strand Street. The proposed development would comprise 269 bedrooms and related aparthotel facilities, to include a reception area, coffee dock, staff accommodation, bin store, switch room and plant area with a total gross floor area of c.10,951m² (including basement of c.641m²), and a nine-storey (with seventh and eighth floor levels set back) over basement hotel fronting Abbey Street Upper, comprising 207 bedrooms and related hotel facilities (including reception area, lounge and kitchen, staff accommodation, bin store, switch room and plant area) with a total gross floor of c.7,348m² (including basement of c. 635m²), two retail units (2,078m² and c.70m²) and two ESB substations at ground floor level. The proposed development includes vehicular access via Great Strand Street to provide service access, bicycle parking spaces, associated lighting, signage, site servicing (foul and surface water drainage and water supply), provision of SuDS measures (including attenuation tank below ground and sedum roofs) and PV panels, plant and lift overruns at roof level. The proposal also includes all hard and soft landscaping, boundary treatments, relocation of an existing Dublin bikes station and provision of a vehicle set down along Great Strand Street, together with provision of a connection to the building for the Luas Overhead Cable System, changes in level and all other associated site excavation and site development works above and below ground. The proposal provides for a total floor area of 20,447m².
- 2954/18: Permission granted for alterations to previous permission (Reg. Ref. 2971/17/ ABP Ref. PL29N.249037) for a tourist hostel on site at 35-36 Upper Abbey Street and Abbey Cottages, to include the following: setback of permitted seventh and eighth floor from Abbey Street Upper in accordance with condition 2a of An Bord Pleanála Ref. PL29N.249037; provision of opaque glass to west facing windows at first and second floor level in accordance with condition 2b; provision of additional pv panels, stairs, lifts/lift overrun at roof level with no change to overall

height of building as permitted; provision of additional basement level (Level -3) to facilitate relocation of additional plant areas and stores; reconfiguration and enlargement of the permitted upper basement level -1 to include lobbies, toilets, food prep areas and dining/canteen area; relocated refuse area to mid-basement level -2; reconfiguration/alterations to permitted mid-basement level -2 to now include stores, staff changing areas, administrative offices and meeting rooms; relocation/reconfiguration of permitted administrative office, toilets and reception at ground floor level and provision of a waiting area, games room and lounge; provision of ESB substation/off-loader (c.19m²); relocation of permitted food prep area, cafeteria and bar at ground floor level to mezzanine floor level; reconfiguration of permitted bedrooms and alterations to permitted stores, toilet/shower areas and provision of disabled rooms and refuge areas at first to eighth floor levels; reconfiguration/alterations of internal areas including lobbies/circulation areas, stair/lift cores and provision of additional lifts throughout; provision of additional plant at seventh and eighth floor levels; associated elevational changes including alterations to finishes/materials and windows and doors throughout and voids on the west facade at 1st-8th floor levels; revised number of bedrooms to be 127 and revised total gfa of building to be c.4,927m² (including basement) (remainder of development to be carried out as permitted under Reg. Ref. 2971/17/ABP Ref. PL29N.249037).

- 3697/17: Planning Permission Granted for the development of a hotel and retail scheme at Nos. 1, 2, 3/4, 5 and 6 Liffey Street Upper, Nos. 111-114 Middle Abbey Street, structures to the rear of Nos. 108-109 Middle Abbey Street, and Hotel Yard, Dublin 1. The development consists of a building of 9 storeys in height over basement, comprising hotel and retail uses. The hotel comprises 365 no. bedrooms and related ancillary hotel facilities including reception area, lobby and lounge with public bar, storage areas, administration and staff facilities, plant, waste storage area and bicycle parking area.
- 3333/17: Permission granted for development on 0.1837ha site at 34/35 and 36/37 Ormond Quay Lower (formerly known as Zanzibar/Bondi Beach Club); site also includes premises to rear of 31 Lower Ormond Quay and 25-28 Great Strand Street including 28A, 29, 30 and 31 Great Strand Street, Nos. 34/35 (facade) and 36/37 (front facade and roof profile) Ormond Quay Lower are protected structures; development to consist of demolition of existing buildings at 28A, 29, 30 and 31 Strand Street Great and structures to the rear of 34/35 and 36/37 Ormond Quay Lower comprising of modern extensions to the protected structures; total area to be demolished is 2,166.44m²; construction of an aparthotel development with an overall gross floor area (gfa) of 8,565m² accommodating 165 bedrooms; development to provide for reception, meeting rooms, gym, staff facilities, cafe/bar/restaurant area including coffee kiosk onto Ormond Quay Lower and ancillary accommodation (including plant/boiler rooms, storage, bike room, bin store, office) at ground floor; development provides for the refurbishment and change of use of 34/35 and 36/37 Ormond Quay Lower to aparthotel use; works to these protected structures include internal upgrade works, removal of roller shutters and reinstatement of shop fronts, replacement windows with approved Victorian and Georgian window details; cleaning,

repointing and repair of façade, roof repair and removal of existing timber fascia bands, signage, fixings and wired services; additional aparthotel accommodation to be provided in two new blocks to rear of 34/35 and 36/37 Ormond Quay Lower extending from six to seven storeys separated from the protected structures by an internal courtyard; partial demolition of existing basement and refurbishment of remainder under buildings 28A Strand Street Great and 34/35 Ormond Quay Lower to be utilised for storage; existing cellar vaults to be kept *in situ* for storage purposes; service access to the aparthotel is provided via the existing laneway off Strand Street Great; relocation of existing substation to the northern elevation; Roof terraces provided at 6th floor level on the southern elevation of the proposed new block to the rear of the protected structures; balconies provided at ground and first floor level on the northern elevation and non-accessible green roofs at first, fifth and sixth floor levels; development includes all hard and soft landscaping and all associated site development and ancillary works. The decision to grant permission was upheld by An Bord Pleanála on appeal.

2971/17: Permission granted, under ABP PL.29.N.249037, for development on site of c.0.006ha, bounded to the north by Abbey Street Upper, to the east by Abbey Cottages and to the south and west by a vacant site; development to consist of demolition of existing buildings on site (c.320m²; construction of a nine-storey over basement tourist hostel comprising 144 rooms, with canteen, cafeteria, bar, reception/lobby areas, administrative offices/meeting rooms and associated areas (total gfa c.4,406m²) with all associated site development works, services, drainage, access, landscaping, plant, ESB sub-station, storage and refuse areas.

The Area Committee as appropriate were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the Planning Department at its meeting's on the 12th of February 2019 and the 9th of July 2019.

Observations

T.Arkins 26 Lower Liffey Street, Dublin 1:

- Insufficient consultation with local residents carried out;
- Impact upon traffic movements within the surrounding streets and associated impact upon existing traders;
- Concerns regarding the technical ability of the Dublin City Council to assess the impact of the proposed development;
- Concerns regarding ongoing anti-social behaviour in the area;
- Ongoing breeches in the planning permissions of existing commercial premises in the area.

Tom Philips and Associates (on Behalf of the Dublin City Traders Alliance Limited) 80 Harcourt Street, Dublin 2;

- Concerns raised that the proposed development should be accompanied by Environmental Impact Assessment Report;
- List of cumulative projects identified within the EIA Screening report is incomplete;
- Overall Traffic Management for the Dublin City Council area needs to be revisited;
- Requirement for the carrying out of a traffic study for the entire city as the development would have citywide impacts;
- The Environmental Impact Assessment Screening Report does not take account of all planning applications which have been permitted in the vicinity of the application area;
- The submitted Traffic and Pedestrian Assessment Report is too limited in its scope and the development would result in a significant impact upon traffic movement in the city;

Billy Reid on behalf of Ilac Shopping Centre;

- The proposed development would increase traffic congestion in the area and cause greater delays for delivery vehicles;
- The proposed development would result in the narrowing of the existing road which would impact HGV deliveries;

Dublin Town 43-45 Middle Abbey Street, Dublin 1;

- Supportive of the principle of the development;
- Recommend a trial introduction of the proposed new traffic arrangements;
- Enforcement of the traffic restrictions and use of loading bays are important;
- Concerns that there may not be sufficient loading bays provided and request that bays consented under Pl. Ref. 3172/18 can be use by other retailers
- Potential impact on the Liffey Quay- Capel Street and Capel Street- Great Strand Street junctions should be modelled to assess the potential impact;
- Restricting access to Batchelor's Way should be considered;
- Concerns that all emergency vehicles may not be able to access Henry Street;
- Concern that the submitted traffic surveys do not count cyclist movements, which are likely to be impacted by the proposed works;
- The condition of the pavement along Great Strand Street should be assessed and repaired following the completion of the consented construction projects in the area;

Odhran Kelly (on behalf of Nourish Health Stores) 16 Wicklow Street, Dublin 2

- The proposed development is welcomed and would increase the dwell time in the area;

Niall O' Byrne (on behalf of Balark Trading GP Limited), 8-9 Hanover Street East, Dublin 2

- Concern is raised that the loading bays located upon Great Strand Street could potentially impact the operation of the retail unit and substation associated with the consented Aparthotel development under Pl. Ref. 3172/18.

Julie Mulleady (on behalf of JC Decaux) 8 Sandyford Park, Burton Half Road, Leopardstown Dublin 18;

- Concerns were raised that the proposed tree planting scheme has the potential to detract from the visibility of two digital signs in the area.

Mark Limby (on behalf of Arnotts) 12 Henry Street, Dublin 1

- The proposed works would result in the customers of the Arnotts car park being re-routed from Liffey St Lower to other side streets;
- The proposed works would increase traffic times and associated delays;
- Strand Street is in a poor state of disrepair and is a very narrow street with public parking spaces and is not currently suited to take additional non-residential traffic;
- Impact upon traffic movements within the surrounding street and associated impact upon existing traders;
- Potential increase for conflict between the pedestrians and delivery vehicles as a result of the proposed development
- Concern are raised that the potential for the proposed development could conflict with the consented developments in the area;

Brian Montague, (on behalf of The Winding Stair Group) 40 Lower Ormond Quay, Dublin 1

- Proposed development is welcomed and would enliven the surrounding area;
- The proposed development would enable a much better flow of pedestrian traffic which will benefit retail operations throughout the area.

Jane Hackett 19 Herberton Drive, Rialto, D12

- Supportive of the proposed development

Gary Kearney, 21 Dunard Court, Cabra Dublin 7

- Consideration should be given to the type of bollard proposed as they can be used as bicycle stands, which should not be permitted. Planters should be used instead.

Ann Moroney 37 Avondale Avenue, Phibsborough, Dublin 7

- Supportive of the development, particularly the proposed provision of additional seating;
- Concerns raised that the proposed water feature would not be maintained effectively.

Patrick Gorman 84 Woodfield, Scholarstown Road, Rathfarnham, Dublin 16

- Sculpture should be included to which 'love locks' can be attached, thereby reducing the number on the Ha'penny Bridge.

Interdepartmental Reports

- **Drainage Division**

The report has been received from the Drainage Division and no objections have been raised subject to the following recommendations;

- a. It has been recommended that the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads);
- a. A new connection to the existing public surface water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public surface water network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway. Applicant should note that gully connections should not exceed 10m in length;
- b. Records of public surface water sewers are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in both hard and soft copy in an approved format are to be submitted by the Developer to the Drainage Division for written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0;
- c. The developer shall carry out both a pre- and post-construction CCTV survey on the public surface water sewers affected by this scheme, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to works commencing on site. The post-construction survey is to be submitted to the Drainage Division for written approval and any damage to the sewer shall be rectified at the developer's expense;
- d. Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the scheme on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0;
- e. The development shall incorporate Sustainable Drainage Systems in the management of surface water, as per Drawing Nos. 18_068_00_2501-P04 & 18_068_00_2500-P04. Any changes shall be agreed with Drainage Division prior to commencement of construction. Applicant should note that petrol interceptors in public areas may not be maintained by DCC Drainage Division and alternate solutions shall be agreed prior to construction.

- **City Archaeologist's**

The report has been received from the City Archaeologist's and no objections have been raised subject to the following recommendations;

- a. The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary. The archaeologist shall provide an Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the Planning Authority prior to monitoring.
- a. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
- b. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- c. The archaeologist shall consult with and forward their Method Statement in advance of commencement to the Planning Authority.
- d. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.
- e. Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the Planning Authority and National Monuments Service, Department Arts Heritage and Gaeltacht.
- f. Following submission of the final report to the Planning Authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the *Dublin City Archaeological Archive Guidelines* (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

- **Wayfinding Section**

The report has been received from the Way Finding Section and no objections have been raised subject to the following recommendations;

- a. The presence of the Wayfinding Infrastructure, including foundations shall be identified and protected as part of the development;
- a. No Wayfinding Infrastructure shall be removed as part of the proposed development. Should temporary removal be required, this shall be carried out by the Dublin City Council's Maintenance Contractors only;
- b. If, during the carrying out of works , as damage is caused to any Wayfinding Infrastructure, the contractor shall engage with Rosemary B. Gibbons in the Planning and Property Development Department.

- **Environment and Transportation Department.**

The report from the Environment and Transportation Department details the history and context of the proposal. The report concludes that there is no objection to the proposed development subject to the following recommendations:

- a. Final detailed design including layout, materials and public lighting shall be agreed with Environment & Transportation Department prior to commencement of development;
- b. Prior to commencement of development and upon appointment of a contractor, a detailed Construction Management Plan shall be submitted for the written agreement of E&T Department. This shall address the requirements of Transport Infrastructure Ireland (TII) for working in proximity to the Luas line;
- c. The Proposing Department shall address the requirements of Transport Infrastructure Ireland (TII) as set out in their submission dated 24th May 2019 and in particular shall agree the required information with TII and Environment and Transportation Department prior to commencement of development.

Prescribed Bodies

A submission was received from Transport Infrastructure Ireland who have not raised any objections to the proposed development subject to compliance with a number of recommendations;

1. Design

- a. The design and implementation of public realm and interface elements directly involving Luas infrastructure or its immediate environs is subject to agreement with TII prior to the commencement of works. Regarding design elements that change the nature of streetscape activity in the vicinity of LUAS infrastructure, Dublin City Council shall liaise and agree an approach with TII to ensure orderly and appropriate development;
- a. Lighting design for the scheme shall not create glare onto the Luas alignment. Prior to commencement of development, details of lighting design shall be submitted for the written agreement of the planning authority with written approval by TII;
- b. The developer shall be required to ensure any works including landscaping, planting and signage do not impede tram drivers' visibility of road junctions, associated signals or affect the footpath to the extent that pedestrians and cyclists may move into the swept path of oncoming trams.

2. Luas Operation and Safety

- a. Servicing access arrangements including during construction works shall not have an adverse impact on Luas operation and safety. Prior to commencement of development, full plans and details of all servicing access arrangements for the development, including during construction, shall be submitted for the written agreement of the planning authority with written approval by TII;

- a. All deliveries made to the development site, including during the construction phase, shall be made to limit Interference with Luas operations;
- b. Luas tracks must be kept free of dirt or debris from the construction site at all times;
- c. The Luas Overhead Conductor System (OCS) and other Luas infrastructure are located in/under the footpaths along Abbey Street Middle which are part of the proposed development. The Luas operator/TII will require 24hr access to this infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with TII;
- d. All works associated with removal and application of road markings are to be undertaken outside of Luas operating hours;
- e. Prior to commencement of development the following documents shall be submitted for the written agreement of the planning authority with written approval by TII:
 - i. Construction Management Plan;
 - i. Construction Traffic Management Plan;
 - ii. Demolition and construction method statement.
- f. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure;
- g. The demolition and construction method statement shall resolve all Luas interface issues and shall
 - i. Identify all Luas alignment interfaces;
 - i. Contain a risk assessment for works associated with the interfaces, and;
 - ii. Mitigation measures for unacceptably high risks.
- h. Please note all works associated with removal, temporary and final instatement of Luas infrastructure are to be undertaken outside of Luas operational hours, under system shutdown and Overhead Conductor System isolation. This will need to be addressed in the Construction Management Plan.

3. Permits and Costs

- a. Works are proposed to be carried out in close proximity to the Luas Overhead Conductor System (OCS). The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (SA. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.
- a. Impacts on Luas service and alterations to the Luas infrastructure to accommodate the proposed development shall be managed and facilitated wholly at the developer's expense. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.
- b. The developer shall be responsible for any loss of Luas revenue or any other costs associated with a suspension of passenger services which may arise out of, or in consequence of, the design or construction of the development or the presence on the site and any construction access areas and/or the Luas system of any of the developers contractors, sub-contractors, their employees or agents or any other related party.

Policy Context

Dublin City Development Plan 2016-2022

The area surrounding the proposed works are designated Zoning Objective Z5 - 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. It is also noted that the southern end of Liffey Street is located within a conservation area. The site is also located within a Zone of Archaeological Interest.

Policy SC3: To develop a sustainable network of safe, clean, attractive pedestrian routes, lanes and cycleways in order to make the city more coherent and navigable.

Policy MT7: To improve the city's environment for walking and cycling through the implementation of improvements to thoroughfares and junctions and also through the development of new and safe routes, including the provision of foot and cycle bridges.

Policy SI27: To require lighting design to be appropriate to the end use in relation to residential areas, footpaths, cycle paths, urban streets and highways i.e. use of low level bollard lighting along cycle paths

Objective GIO4: To improve pedestrian and cycle access routes to strategic level amenities while ensuring that ecosystem functions and existing amenity uses are not compromised and existing biodiversity and heritage is protected and enhanced.

Policy GI29: To adopt a pro-active and systematic good practice approach to tree management with the aim of promoting good tree health, condition, diversity, public amenity and a balanced age-profile.

Policy GI30: To encourage and promote tree planting in the planning and development of urban spaces, streets, roads and infrastructure projects.

Section 11.1.5.6 Conservation Area – Policy Application

New development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise. Where a building has been identified as having a negative impact on an area, a pro-active approach to improvement will be sought. Where proposals involve demolition, policy for demolition of protected structures and buildings in conservation areas should be referred to.

Planning Assessment

The overall aim of the project is to reinforce the role of Liffey Street as an important pedestrian route linking St Stephen's Green on Dublin's Southside to Parnell Street on the Northside. The Liffey Street via the Ha'Penny Bridge route hosts one of the busiest pedestrian flows in the City leading from the Merchants Arch and the Temple Bar area. The proposed pedestrianisation works will allow more freedom of movement for pedestrians.

The proposed works would consist of minor excavation works and upgrade of existing roads and pavements using high-quality materials. The proposed development will create a new

pedestrian plaza (during designated hours) from the junction of Strand Street to the Quays at a distance of 60m along Liffey Street Lower. The same arrangement will be implemented along Liffey Street Upper from Abbey Street to Henry Street. The plaza areas will be open to delivery traffic between 5.30am and 11am. The carriageway in the plaza areas will be raised but delineated from the footway through material finishes, bollards etc. It is noted that the finishes of the proposed plaza area would be similar in nature to the existing arrangements on Grafton Street and the nearby Henry Street. The carriage way width between Abbey Street and Strand Street is to be reduced to 3.25 metres but with full height kerbs maintained. The application documentation sets out that the Dublin City Council recommended pallet of materials would be followed including natural stone paving within pedestrian areas, while the carriageway at the junction of Liffey Street Lower and Strand Street would be finished using recycled Dublin Cobbles.

The proposed refurbishment of the Woollen Mills Plaza would include the introduction of a number of design moves aimed at improving the usability of the area. This would include additional planted areas and public seating to increase dwell time and provide a high-quality area of public open space. In addition, a revised scheme of public lighting is proposed throughout the development area which would be mounted directly onto the facades of the building as well as through the introduction of new light poles.

It is considered that the proposed works to Liffey Street are welcomed at this time. The existing street has a high level of pedestrian activity and the proposed development is likely to offer an opportunity for greater pedestrian comfort and activity in this space. It is considered that the proposed development would result in the improvement and expansion of space available for pedestrians in this area in line with national and city policy which places pedestrians at the top of the movement hierarchy. The proposal will also improve pedestrian safety in the area. Liffey Street is identified as a Phase 1 project in *The Heart of the City*, 2016, the corporate public realm masterplan for the city core. It is a key part of the north-south pedestrian route linking the Grafton Street, Temple Bar and Henry Street areas. Its upgrade will greatly contribute to the City's vision to create a much more pedestrian friendly city core and will provide much-needed pedestrian space in an area of high footfall.

It is noted however that concerns have been expressed about the impacts of foliage from new tree locations upon the legibility of existing Metropanel display units. It is therefore recommended that this relationship be considered at the detailed design stage by the applicant team in association with the Planning Authority.

The proposed water feature is considered to be visually incongruous with the surrounding area as well as potentially impeding to the movement of pedestrians. It is recommended that as part of the detail design of the proposed scheme, the proposing department should consider the omission of this element.

Concerns have been raised within a number of the third-party submissions regarding the impact of the proposed works on the servicing of neighbouring businesses as well as the potential for having a citywide traffic impacts. In this regard, it should be noted that the proposal would not result in a permanent change to traffic routing as a direct exit onto Bachelor's walk along Liffey St Lower would be maintained, albeit with time restrictions. Furthermore, the current proposal has been reviewed by the Council's Environment and Transportation Department and while it is accepted that the proposed works would have a

limited impact on traffic movements in the immediate vicinity of the site, this is deemed to be acceptable considering the low volumes of vehicular traffic moving through the area.

Specific concerns are also raised in the third party submissions regarding the impact of narrowing road widths on delivery vehicles serving local businesses, however, it is noted that all road widths are designed to allow existing vehicular movements, including emergency vehicles. Turning circles have also been checked using swept-path analysis and it is noted that while larger articulated HGV delivery vehicles would be unable to turn onto Great Strand Street. Larger deliveries would be required to coordinate deliveries between 5:30 am and 11:00 am in order to utilise Liffey Street Lower to access the Quays. It is recommended that the Design Team in conjunction with the Environment and Transportation Department liaise with all existing businesses in the area of the proposed works to limit potential disturbance to deliveries by HGV vehicles which utilise Liffey Street Lower.

Further to this, the application documentation has set out that the delivery drop off areas outside of existing businesses, as well as loading areas on Strand Street, will be available for use by businesses. Refuse collection arrangements for residents and businesses in the area would be unchanged as part of this application. It should also be noted that the retractable bollards are proposed to the edges of the pedestrian zone, which would allow vehicular access for emergency services such as ambulances and the fire brigade at all times.

Concerns have been also raised in relation to the location of loading bay upon Great Strand Street and the potential conflict with recently permitted developments in the area. The relocation of the loading bays on Strand Street could be considered as part of the detailed design stage and therefore it is recommended that this be explored by the design team.

Flood Risk Assessment

A Site-Specific Flood Risk Assessment has been submitted as part of the current proposal. This assesses the potential impact of the development and states that the proposed works are identified as "*less venerable development*", and therefore not susceptible to flooding. Furthermore, it is noted that the report received from the drainage division has not raised any concerns regarding flood risk assessment. The development is therefore considered to be acceptable in this regard.

Requirement for Appropriate Assessment

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 "European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended). An Appropriate Assessment Screening Report accompanies the current proposal and concludes that there would be no significant negative effects on any Natura 2000 site as a result of the proposed development. As a result, a Stage 2 Appropriate Assessment would therefore not be required.

Having regard to the nature and scale of the proposed development and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site. The development is therefore considered to be acceptable in this regard.

Requirement for Environmental Impact Assessment

The current proposal is accompanied by an EIA Screening Report, which set out that the proposal has been screened for the requirement for the submission of an Environmental Impact Assessment Report. The submitted screening report assesses the development as a subthreshold EIA Development and the screening has determined that the characteristics of the proposed development are not considered significant due to the nature, size, scale, and location of the development. It has therefore been concluded that there is no requirement for an Environmental Impact Assessment to be carried out for the proposed development. The planning authority accepts and concurs with this conclusion

Conclusion

Having regard to the nature and scale of the proposal, it is considered that the development would not seriously injure the amenity of property in the vicinity and subject to compliance with the recommendations set out below, it is considered that the proposed development accords with the City Development Plan and the proper planning and sustainable development of the area.

Recommendation:

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development, subject to the following recommendations;

1. Prior to the commencement of development a servicing management plan shall be submitted for the written agreement of the Planning Department. This shall specifically detail how servicing for existing businesses will be maintained during operation and construction phase of the development;

It is recommended that as part of the detailed design of the proposed scheme, the proposing department consider the omission of the proposed water feature to be located upon Liffey Street Lower;

It is recommended that the positioning of all new trees be reviewed by the Design Team in association with the Council's Planning Department in order to ensure the legibility of Metropanel display units is not impeded.

2. It has been recommended that the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

A new connection to the existing public surface water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public surface water network system without written permission from the Drainage Division. Any unauthorised

connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway. Applicant should note that gully connections should not exceed 10m in length.

Records of public surface water sewers are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in both hard and soft copy in an approved format are to be submitted by the Developer to the Drainage Division for written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

The developer shall carry out both a pre- and post-construction CCTV survey on the public surface water sewers affected by this scheme, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to works commencing on site. The post-construction survey is to be submitted to the Drainage Division for written approval and any damage to the sewer shall be rectified at the developer's expense.

Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the scheme on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

The development shall incorporate Sustainable Drainage Systems in the management of surface water, as per Drawing Nos. 18_068_00_2501-P04 & 18_068_00_2500-P04. Any changes shall be agreed with Drainage Division prior to commencement of construction. Applicant should note that petrol interceptors in public areas may not be maintained by DCC Drainage Division and alternate solutions shall be agreed prior to construction

3. It has been recommended that a suitably qualified licensed-archaeologist be retained to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary. The archaeologist shall provide an Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the Planning Authority prior to monitoring.

It has been recommended that allowances be made for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.

It has been recommended that an appointed archaeologist undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the

development including the breaking and removal of any floor slabs, levelling of ground etc.

The archaeologist shall consult with and forward their Method Statement in advance of commencement to the Planning Authority.

In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.

It has been recommended that two copies of a written report and a digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the Planning Authority and National Monuments Service, Department Arts Heritage and Gaeltacht.

It has been recommended that following submission of the final report to the Planning Authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

4. Final detailed design including layout, materials and public lighting shall be agreed with Environment & Transportation Department prior to commencement of development.

Prior to commencement of development and upon appointment of a contractor, a detailed Construction Management Plan shall be submitted for the written agreement of E&T Department. This shall address the requirements of Transport Infrastructure Ireland (TII) for working in proximity to the Luas line.

The Proposing Department shall address the requirements of Transport Infrastructure Ireland (TII) as set out in their submission dated 24th May 2019 and in particular shall agree the required information with TII and Environment and Transportation Department prior to commencement of development.

5. The presence of the Wayfinding Infrastructure, including foundations shall be identified and protected as part of the development;

No Wayfinding Infrastructure shall be removed as part of the proposed development. Should temporary removal be required, this shall be carried out by the Dublin City Council's Maintenance Contractors only. If, during the carrying out of works, any damage is caused to any Wayfinding Infrastructure, the contractor shall engage with Rosemary B. Gibbons in the Planning and Property Development Department.

6. The design and Implementation of public realm and interface elements directly involving Luas Infrastructure or its immediate environs is subject to agreement with TII prior to the commencement of works. Regarding design elements that change the nature of streetscape activity In the vicinity of Luas infrastructure Dublin City Council shall liaise and agree an approach with TII to ensure orderly and appropriate development.

Lighting design for the scheme shall not create glare onto the Luas alignment. Prior to commencement of development, details of lighting design shall be submitted for the written agreement of the planning authority with written approval by TII.

The developer shall be required to ensure any works Including landscaping, planting and signage do not impede tram drivers' visibility of road junctions, associated signals or affect the footpath to the extent that pedestrians and cyclists may move into the swept path of oncoming trams.

Servicing access arrangements including during construction works shall not have an adverse impact on Luas operation and safety. Prior to commencement of development, full plans and details of all servicing access arrangements for the development, including during construction, shall be submitted for the written agreement of the planning authority with written approval by TII.

All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.

Luas tracks must be kept free of dirt or debris from the construction site at all times.

The Luas Overhead Conductor System (OCS) and other Luas Infrastructure are located in/under the footpaths along Abbey Street Middle which are part of the proposed development. The Luas operator/TII will require 24hr access to this infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with TII.

All works associated with the removal and application of road markings are to be undertaken outside of Luas operating hours.

Prior to commencement of development, the following documents shall be submitted for the written agreement of the planning authority with written approval by TII:

- (a) Construction Management Plan
- (b) Construction Traffic Management Plan
- (c) Demolition and construction method statement

The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.

The demolition and construction method statement shall resolve all Luas interface issues and shall contain

- (i) Identify all Luas alignment interfaces,
- (ii) Contain a risk assessment for works associated with the interfaces, and
- (iii) Mitigation measures for unacceptably high risks.

Please note all works associated with removal, temporary and final installment of Luas infrastructure are to be undertaken outside of Luas operational hours, under system shutdown and Overhead Conductor System isolation. This will need to be addressed in the Construction Management Plan.

Works are proposed to be carried out in close proximity to the Luas Overhead Conductor System (OCS). The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) By-laws 2004 (5.1. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.

Impacts on Luas service and alterations to the Luas infrastructure to accommodate the proposed development shall be managed and facilitated wholly at the developer's expense. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.

The developer shall be responsible for any loss of Luas revenue or any other costs associated with a suspension of passenger services which may arise out of, or in consequence of, the design or construction of the development.

The project is being funded through Roads Capital Project Funds

Recommendation:

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 (as amended) and Section 179 of the Planning and Development Act, 2000 (as amended) subject to the provisions of Section 139 of the Local Government Act, 2001 (as amended).

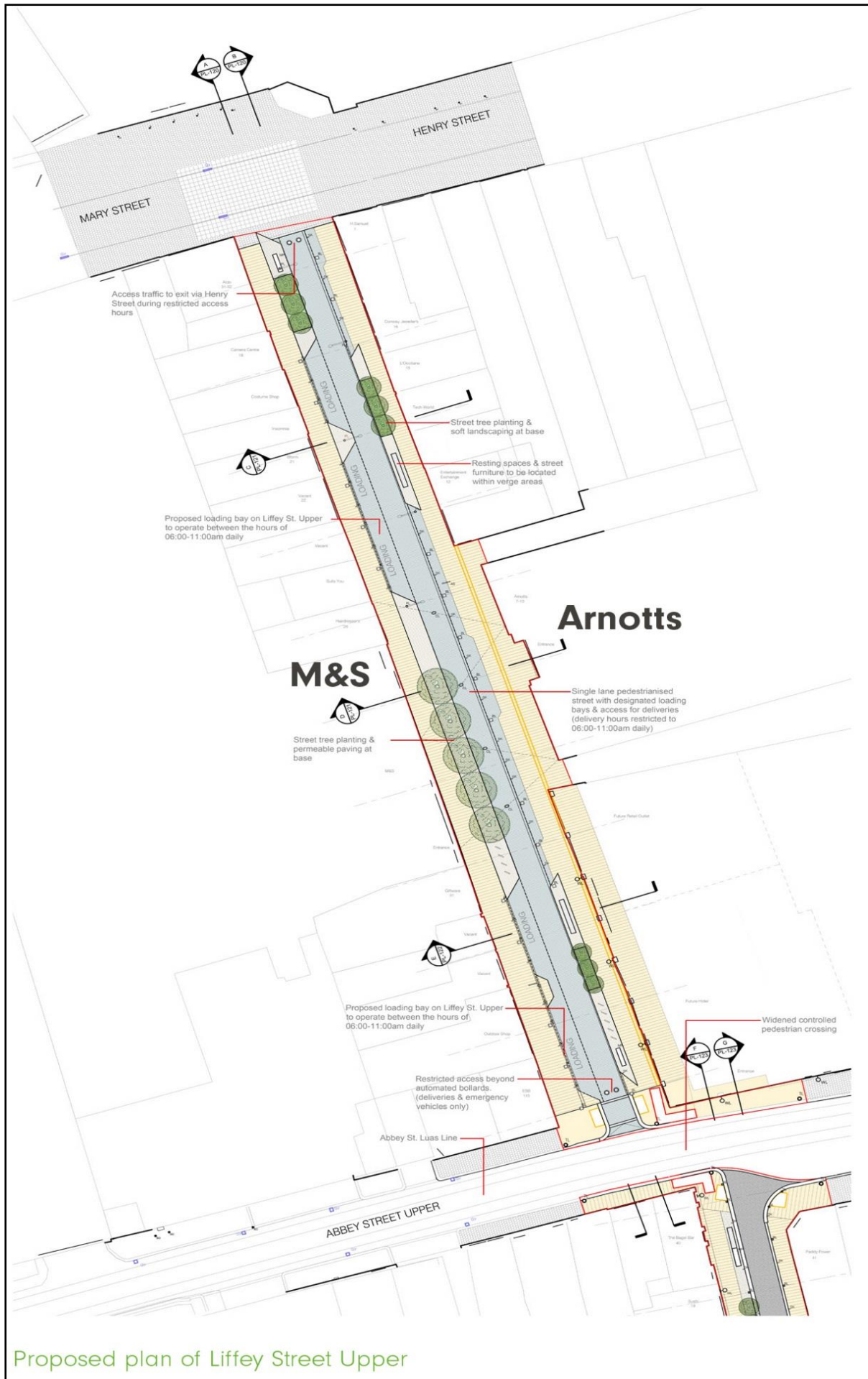
Resolution:

That Dublin City Council Notes Report No 231/2019 and hereby approves the contents therein.

Owen P. Keegan

Chief Executive

Date: 31st July 2019



Proposed plan of Liffey Street Upper



Proposed plan of Liffey Street Lower