

**Proposed Addition to Record of Protected Structures
(Section 55 of the Planning and Development Act,
2000, as amended)**

Chief Executive's Report on Submissions Received

November 2022

1. Introduction

Under the provisions of Sections 54 and Section 55 of the Planning & Development Act 2000 (as amended), Dún Laoghaire-Rathdown County Council initiated procedures to add the Red Brick (former) Chapel (exterior only) located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Dún Laoghaire-Rathdown County Council's Record of Protected Structures, by noting the addition at the Dún Laoghaire Area Committee of Dún Laoghaire-Rathdown County Council at its monthly meeting on Wednesday 8th June 2022.

A report was prepared in respect of the proposed addition of the structure onto the Record of Protected Structures (RPS) which incorporated an Architectural Heritage Appraisal, the conclusion of which recommended the addition of exterior of the structure only onto the RPS (That report is set out in full in Section 4 of this CE Report). Having regard to the recommendation of that report, notice was served to the owner and occupier of the structure and the proposed addition to the RPS was advertised in the Irish Times on Tuesday 13th September and placed on public display for a 6 week period from Tuesday 13th September 2022 to Wednesday 26th October 2022.

This Chief Executive's Report is being prepared in order to satisfy the requirements of Section 55(3) of the Planning and Development Act, 2000 (as amended) which states:

“(3) Before making the proposed addition or deletion, the planning authority shall—

- a) consider any written submissions or observations received under subsection (2) (b), and*
- b) have regard to any observations received from the Minister for Arts, Heritage, Gaeltacht and the Islands, concerning those submissions or observations, within 4 weeks after the receipt by that Minister of a copy of the submissions or observations.”*

A copy of all the submission was has been uploaded to the members portal to allow for their consideration.

1.1 Structure of this Chief Executive's Report

This Chief Executive Report consists of 4 sections as follows:

- Section 1 sets out the process and legislative requirements with regard to the proposed addition to the RPS.
- Section 2 sets out the Ministers observations in relation to the submissions received, in accordance with Section 55(3)(b) of the Planning and Development Act, 2000 (as amended).
- Section 3 is split into 2 parts as follows:
 - 3.1 sets out the summaries of all submissions received together with the response of the Chief Executive, and,
 - 3.2 sets out the recommendation of the Chief Executive.
- Section 45 contains the particulars of the proposed addition to the RPS, including the newspaper advert and report detailing the proposed addition to the RPS.

1.2 Legislative Context

Sections 54 and 55 of the Planning and Development Act 2000 (as amended) state:

“54.—(1) A planning authority may add to or delete from its record of protected structures a structure, a specified part of a structure or a specified feature of the attendant grounds of a structure, where—

- a) the authority considers that—*
 - i) in the case of an addition, the addition is necessary or desirable in order to protect a structure, or part of a structure, of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, whether or not a recommendation has been made under section 53, or*
 - ii) in the case of a deletion, the protection of the structure or part is no longer warranted, and*
- b) the addition or deletion is made when making a development plan under Part II or in accordance with section 55.*

(2) The making of an addition to, or a deletion from, a record of protected structures shall be a reserved function”.

Section 55 of the Planning and Development Act, 2000 (as amended) sets out the procedure for a planning authority in making additions to or deletions from the record of protected structures during any time other than in the course of making its development plan and states:

“55.—(1) A planning authority which proposes, at any time other than in the course of making its development plan under Part II, to make an addition to or a deletion from its record of protected structures shall—

- a) serve on each person who is the owner or occupier of the proposed protected structure or the protected structure, as the case may be, a notice of the proposed addition or deletion, including the particulars,*
- b) send particulars of the proposed addition or deletion to the Minister for Arts, Heritage, Gaeltacht and the Islands and to any other prescribed bodies, and*
- c) cause notice of the proposed addition or deletion to be published in at least one newspaper circulating in its functional area.*

(2) A notice under paragraph (a) or (c) of subsection (1) shall state the following—

- a) that particulars of the proposed addition or deletion may be inspected at a specified place, during a specified period of not less than 6 weeks;*
- b) that, during such period, any person may make written submissions or observations, with respect to the proposed addition or deletion, to the planning authority, and that any such submissions or observations will be taken into consideration before the making of the addition or deletion concerned;*
- c) whether or not the proposed addition or deletion was recommended by the Minister for Arts, Heritage, Gaeltacht and the Islands;*
- d) that, if the proposed addition or deletion was recommended by the Minister for Arts, Heritage, Gaeltacht and the Islands, the planning authority shall forward to that Minister for his or her observations a copy of any submission or observation made under paragraph (b).*

(3) Before making the proposed addition or deletion, the planning authority shall—

- a) consider any written submissions or observations received under subsection (2) (b), and*
- b) have regard to any observations received from the Minister for Arts, Heritage, Gaeltacht and the Islands, concerning those submissions or observations, within 4 weeks after the receipt by that Minister of a copy of the submissions or observations.*

(4) Within 12 weeks after the end of the period allowed under subsection (2)(a) for inspection, the planning authority shall decide whether or not the proposed addition or deletion should be made.

(5) Within 2 weeks after making an addition to or a deletion from the record of protected structures, a planning authority shall serve on the owner and on the occupier of the structure concerned a notice of the addition or deletion, including the particulars."

1.3 Notice and Public Display

In accordance with Section 55(2) of the Planning and Development Act, 2000 (as amended) the following actions were taken:

- a notice, together with particulars of the proposed addition, was issued to the owner and occupier of the Red Brick (former) Chapel at Tivoli Terrace South on the 9th September, 2022.
- An advert was published in the Irish Times on the 13th September 2022.
- Particulars of the proposed addition to the RPS were placed on public display for a period of 6 weeks from Tuesday 13th September 2022 to Wednesday 26th October 2022 at the following locations:
 - Online at www.dlrcoco.ie
 - Dún Laoghaire-Rathdown County Council Offices, County Hall, Marine Road, Dún Laoghaire, A96 K6C9 10:00 am – 4:00 pm, Monday to Friday.
 - Dún Laoghaire-Rathdown County Council, Dundrum Offices, Main St, Dundrum, Dublin 14 9:30am – 12:30pm and 1:30pm – 4:30pm, Monday to Friday.

A total of 6 written submissions were made with regard to the proposed addition to the RPS. See Appendix 2 for timelines

2. Observations of the Minister of Housing, Local Government and Heritage

Section 55(3)(b) of the Planning and Development Act, 2000 (as amended), requires the Planning Authority to *“have regard to any observations received from the Minister for Arts, Heritage, Gaeltacht and the Islands, concerning those submissions or observations, within 4 weeks after the receipt by that Minister of a copy of the submissions or observations.”*

In this regard, all submissions were sent to the Minister (now the Minister of Housing, Local Government and Heritage) for their consideration as they were received. The last submission received was issued to the Minister on 20th October, 2022.

The Minister did not respond with any observations within 4 weeks of receiving the final submission.

3. Summary of Submissions and Chief Executive's Response and Recommendation

3.1 Summary of Submissions and Chief Executive's Response

Submission No: S0001	Organisation: Gas Networks Ireland
Summary of Submission / Observation:	
<ul style="list-style-type: none"> Proposal has been reviewed and there are no comments to make. 	
Response:	
The Executive notes the content of the submission.	

Submission No: S0002	Organisation: Transport Infrastructure Ireland (TII)
Summary of Submission / Observation:	
<ul style="list-style-type: none"> There are no issues that need to be addressed in relation to the proposed addition of the Red Brick Chapel to the RPS. 	
Response:	
The Executive notes the content of the submission.	

Submission No: S0003	
Summary of Submission / Observation:	
<ul style="list-style-type: none"> The structure had not been noticed previously and it should be protected. It is hoped that it will be used. 	
Response:	
The Executive welcomes and agrees with the content of this submission.	
It is noted that the structure is currently in use as part of the HSE Primary health clinic.	

Submission No: S0004	Organisation: Environmental Protection Agency
Summary of Submission / Observation:	
<ul style="list-style-type: none"> Submission notes that the EPA are a statutory environmental authority under the SEA regulations and notes that the EPA focuses on promoting the full and transparent integration of the findings of environmental assessment into the proposed addition to the RPS. Submission refers to the 'self-service approach' via the guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' which sets out key recommendations for integrating environmental considerations into Local Authority land use plans. It is noted that these guidelines should be taken into account in finalizing the SEA screening determination. Submission notes the proposed determination that SEA is not required and refers to a checklist at https://www.epa.ie/our-services/monitoring--assessment/assessment/strategic- 	

[environmental-assessment/sea-resources-andguidance-/](#) and recommends this this is taken into account in finalizing the SEA determination.

- Submission sets out further guidance and resources on the EPA website that are relevant and should be taken into account in the final SEA determination.
- The submission refers to the environmental sensitivity mapping, the EPA SEA webGIS tool and water quality and catchment data that may assist in SEA.
- The submission states that the planning authority should ensure that the proposed addition to the RPS complies with the Habitats Directive and that where appropriate assessment is require, that the findings and recommendations are incorporated into the SEA. Reference to the EPA AA GeoTool is provided.
- The submission sets out the environmental authorities under the SEA regulations.
- Submission notes the requirement to make the SEA determination available for inspection and to be sent to environmental authorities.

Response:

The Executive notes the content of the submission.

The proposed addition to the RPS has been screened for both Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). It was determined by the Planning Authority that the proposed addition to the RPS did not require SEA and that AA was not required as *“it is clear from the location and nature of the addition to the RPS that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined.”*

The reports to inform screening for Appropriate Assessment and Strategic Environmental Assessment and associated determinations, in accordance with the Planning And Development Regulations, 2001 (as amended) Planning and Development (Strategic Environmental Assessment) Regulations (S.I. 436 of 2004, as amended) and the Habitats Directive 92/43/EEC (as amended), were made available for public inspection during the 6 week consultation period from Tuesday 13th September 2022 to Wednesday 26th October 2022.

The particulars of the proposed addition to the RPS that included the environmental reports and determinations were issued to the Environmental Authorities on Tuesday 13th September 2022.

Submission No:
S0005

Organisation:
HSE

Summary of Submission / Observation:

- The HSE, as the owner of the structure proposed to be added to the RPS, notes in their submission that they received a notice, dated 9th September 2022, from Dún Laoghaire-Rathdown County Council, advising of the proposed addition to the RPS.
- The submission from the HSE objects to the addition of the structure to the RPS for the following reasons:
 - Context:**
 - the building was not included in the Draft Development Plan as a building worthy of inclusion in the RPS.
 - The submission states that *“The response from the Executive was adamant that the subject building should not be added to the RPS and that no change to the Draft Development Plan was recommended.”*
 - The proposed addition appears to be politically motivated.

- Submission queries why the building was not included in the Draft County Development Plan and considers that this did not occur as the structure was not worthy of inclusion in the first instance.

Non-compliance with Architectural Heritage Protection Guidelines for Planning Authorities (2011):

- Submission notes that the assessment carried out by the Local Authority recommended the addition on the grounds that the structure met 3 categories of special interest, namely, Architectural, Historical and Artistic.
- Submission agrees that the interior is not of architectural merit, however, does not agree with that the exterior has any “special interest” in architectural terms noting that the building is relatively ordinary, has a decrepit rear and side façade and does not contribute to the streetscape.
- Submission states that the S.55 report does not recommend section 5.3 ii. that the building is of historic interest and states that the structure does not meet any of the criteria listed in the bullet points set out within that section of the report.
- Submission states that just because a building is “old” it does not automatically deserve merit to be on the RPS.
- Submission sets out the points a.-f. in the Architectural Heritage Protection Guidelines with regard to artistic interest and states that the structure meets none of the points stating that *“Materials and granite dressing do not qualify it for merit as a building of special artistic interest.”*

Impact on the Development of the Building and the Site:

- Submission notes that the structure is a medical centre that has undergone considerable alterations internally and externally, as such, the structure is nothing like its original state as a former chapel.
- The addition of the structure onto the RPS would have a considerable impact on the ability to develop and effectively stymies this publicly owned site from any form of redevelopment.
- The submission states that the site *“site could be developed in the future as a large primary care centre, for social housing social etc.”*

Response:

The Executive notes the content of the submission.

Process:

With regard to the structure not being added to the record of protected structures during the process of making the County Development Plan 2022-2028, it is important to note the following:

- The request to add the structure to the RPS was made during the public consultation of the Draft dlr County Development Plan 2022 - 2028. Dún Laoghaire-Rathdown County Council.
- The structure was not brought to the attention of the planning authority at the earlier pre draft stage of the plan making process nor through the development management process.
- It is noted that the Minister recommended a number of structures be added to the RPS prior to the commencement of the County Development Plan process, however, the area where the structure is located was outside of the survey areas completed by the National Inventory of Architectural Heritage (NIAH) at that time and to date.
- As set out within the [‘Chief Executive’s report on Proposed Amendments to Draft Plan, January 2022’](#) (page 153-155), the Executive:
 - Disagreed with the addition of the structure to the RPS on procedural grounds as the owner could not be afforded the statutory 10-week notice period at the material amendments stage of the plan making process.

- Reference to the architectural heritage of the structure was referenced, and it was considered that exterior of the structure would merit consideration for inclusion onto the RPS.
- In this regard the CE report states: *“Based upon the inspection of the structure, only the exterior of the former chapel would merit inclusion onto the RPS post adoption of the Draft County Development Plan 2022-2028. The appropriate legal mechanism to address this would be to vary the newly adopted Plan to include this structure under the provisions of Section 55 of the Planning and Development Act, 2000 (as amended) which sets out the procedure for adding or deleting a structure “at any time other than in the course of making its Development Plan.”*
- At the Special County Development Plan meeting on the 10th March 2022, the executive indicated that the Section 55 process could be utilised to add the structure to the RPS.
- The proposed addition of the structure onto the RPS is now being proposed under the appropriate provisions of Sections 54 and 55 of the Planning and Development Act 2000 (as amended).

Merit of the Structure for Inclusion on the RPS:

- The report *“Proposed Addition to Record of Protected Structures (Section 55 of the Planning and Development Act, 2000, as amended)”* set out the particulars of the proposed addition of the structure to the RPS, including a detailed ‘Architectural Heritage Appraisal’ in section 5 of the report.
- The ‘Architectural Heritage Appraisal’ for the structure assesses the merits of the structure against all categories of special interest set out in Chapter 2 of the *‘Architectural Heritage Protection Guidelines for Planning Authorities, 2011’*.
- Having regard to this assessment, it is considered that the structure meets more than one criterion of special interest and merits being added to the RPS. As per section 5 of the report setting out the particulars of the proposed S.55 addition, the structure merits inclusion onto the RPS as it is of:
 - Architectural Interest: *“The former chapel is a pleasant, well-proportioned building of compact form and appearance. Built in a Gothic style, constructed with high quality materials and embellished with granite detailing. Modest in appearance, it is a good exemplar of its type and contributes positively to the streetscape. The setting has potential to be enhanced. The internal space largely associated with the original ecclesiastical use has been lost as a result of the alterations and is no longer of any significant architectural merit.”*
 - Historical Interest: *“The former chapel represents an important component of the mid-nineteenth century ecclesiastical heritage of the County.”*
 - Artistic Interest: *“The external form and expression of the building is enriched with high quality materials and embellished with granite dressings. The former chapel reveals high quality local stone particularly to the plinth and dressings, while the contrasting red brick produces an attractive visual effect contributing to the artistic design distinction of the composition.”*

Potential Impact on Development:

- It is acknowledged that most historic buildings evolve over time and have been altered or extended. Conservation is the process of caring for buildings and places and of managing change to them in such a way to retain their character and special interest.
- The designation of a building as a Protected Structure does not prevent development subject to proposals being sensitive to the elements that make the building significant. As stated in the Architectural Heritage Protection Guidelines for Planning Authorities (AHPG’s) Chapter 7. Section 7.2.2 states *“Entry into the Record of Protected Structures does not mean that a*

structure is forever frozen in time. Good conservation practice allows a structure to evolve and adapt to meet changing needs while retaining its particular significance”.

- Chapter 11 “Heritage and Conservation” and Section 12.11 “Heritage” of the County Development Plan 2022-2028 sets out a series of policy objectives and guidance with regard to proposed development of, and adjoining, Protected Structures.

Submission No: S0006

Summary of Submission / Observation:

- Submission thanks the Planning Authority and Councilors for the proactive and prompt commitment facilitating the inclusion of the Chapel onto the RPS.
- Submission strongly recommends that the full building is included in the Protected Structure designation as there are unique features both internally and externally.
- Submission notes that *“A protected structure is a structure that a planning authority considers to be of special interest from an architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view as set out under Part IV of the Planning and Development Act 2000.”*
- Submission commends the Council for seeing the value of Protected Structure designation for the Chapel and looks forward to its inclusion onto the RPS.

Response:

The Executive notes and welcomes the support provided within the submission.

With regard to the inclusion of the exterior only of the former chapel onto the RPS, the ‘Architectural Heritage Appraisal’ set out in Section 5 of the report *“Proposed Addition to Record of Protected Structures (Section 55 of the Planning and Development Act, 2000, as amended)”*, it is stated that *“The internal space largely associated with the original ecclesiastical use has been lost as a result of the alterations and is no longer of any significant architectural merit.”* In this regard, and taking account of the current use of the structure as a medical facility, it is considered appropriate that only the exterior of the structure be protected and included onto the RPS.

3.2 Chief Executive's Recommendation

Having regard to:

- The provisions of Section 54 of the Planning and Development Act, 2000 (as amended),
- The particulars set out within the report *“Proposed Addition to Record of Protected Structures (Section 55 of the Planning and Development Act, 2000, as amended)”*, in particular Section 5 ‘Architectural Heritage Appraisal’ (see section 4 below),
- The submissions received as summarised above,

It is the opinion of the Executive that the structure merits addition to the Record of Protected Structures.

Recommendation:

Having regard to the above, the Chief Executive recommends that the following structure is added to the Record of Protected Structures, as set out in Appendix 4 of the County Development Plan 2022-2028:

“Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire.”

4. Particulars of the Proposed Addition to the RPS

Below is a full copy of the Report on proposed addition to RPS that went on display.

This includes SEA and AA screening and determinations.

Since receipt of the submissions there has been no material alterations to the recommendation and therefore the existing AA and SEA determinations suffice.

Proposed Addition to Record of Protected Structures

(Section 55 of the Planning and Development Act, 2000, as amended)

Initiation of the statutory process for the proposed addition of the Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).

The initiation of the statutory addition process was noted by the Dún Laoghaire Area Committee of Dún Laoghaire-Rathdown County Council at its monthly meeting on Wednesday 8th June 2022¹.



¹ Webcast of this meeting can be viewed online at: <https://dlrcoco.public-i.tv/core/portal/home>

1. Introduction

It is proposed to initiate procedures under Sections 54 and Section 55 of the Planning & Development Act 2000 (as amended) to add the Red Brick (former) Chapel (exterior only) located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to Dún Laoghaire-Rathdown County Council's Record of Protected Structures.

2. Request for Addition

During consideration of the Draft County Development Plan 2022-2028, a request to list the structure onto the Record of Protected Structures was made by way of 2 motions.

2.1 Summary of Reasons for Seeking Addition & Response

Motions requested that:

"That the Gothic Red Brick and Granite Chapel on Tivoli Terrace South Dun Laoghaire would be included on the Record of Protected Structures given its architectural, heritage and social significance."

"That the Gothic Red Brick and Granite Chapel on Tivoli Terrace South Dun Laoghaire is added onto the Record of Protected Structures given its architectural, heritage and social significance. The reason for this motion is that this building is significant and of special interest under a number of the following categories including architectural, historical, archaeological, artistic, cultural, scientific, and social."

In response to the Motions, the Executive stated the following:

"The Executive agrees with the sentiment of this motion, however, due to a conflict between two interrelated sections of the Planning and Development Act, 2000 (as amended), that being Section 12(3) which sets out, statutory timeframes for additions and/or deletions to the Record of Protected Structures (RPS), and Section 12(7) which sets out the statutory timeframes associated with the material alterations stage, that being the next stage of the County Development Plan-making process, it is not possible to add new structures onto the RPS at the material alterations (amendments) stage.

Section 12(3) of the Act states: *"(a) Where the draft includes any provision relating to any addition to or deletion from the record of protected structures, the planning authority shall serve on each person who is the owner or occupier of the proposed protected structure or the protected structure, as the case may be, a notice of the proposed addition or deletion, including the particulars.*

(b) A notice under paragraph (a) shall state— (i) that a copy of the proposed addition or deletion may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly) ..."

Section 12(7) of the Act in relation to the statutory timeframes for the material alterations stage states: *"(ad) The notice referred to in paragraph (ac) shall state —(i) that a copy of the proposed material alteration and of any determination by the authority that an assessment referred to in paragraph (aa) is required may be inspected at a stated place or places and at stated times, and on the authority's website*

during a stated period of not less than 4 weeks (and that copies shall be kept available for inspection accordingly) ...”

Having sought a legal opinion on this matter, the Law Agent is of the opinion that owners/occupiers of properties proposed for inclusion in the RPS must receive the 10 week statutory notice as prescribed in Section 12(3). Given the statutory periods remaining in which to make the County Development Plan, it will not be possible to provide the 10 week statutory notice to the owners or occupiers of the said properties proposed for inclusion and this would leave the additions open to legal challenge. The Law Agent has advised that the suggestion that “further legal Counsel” be sought following the addition of the building to the record of protected structures as referenced above will not change the position that the addition of the building at this stage could leave the Planning Authority open to legal challenge.

The appropriate legal mechanism to address this would be to vary the newly adopted Plan to include this structure under the provisions of Section 55 of the Planning and Development Act, 2000 (as amended).

The structure in question is a late nineteenth century gothic chapel of red brick with granite dressing to the hood mouldings over the arched windows, granite quoins and cross-shaped granite finials to the roof. The building is considered to be of architectural and artistic interest and makes a positive contribution to the streetscape.

An internal inspection of the property could not be facilitated, however, it would appear from an external inspection that the Church may meet one or more of the Categories of Special Interest as set out in Section 51(1) of the Planning and Development Act, 2000, (as amended). In this regard, there may be merit to adding this structure onto the RPS post adoption of the Draft County Development Plan 2022-2028 under the provisions of Section 55 of the Planning and Development Act, 2000 (as amended) which sets out the procedure for adding or deleting a structure “*at any time other than in the course of making its development plan*”.

2.2 Action taken on foot of request

The Structure was added to the Draft Record of Protected Structures (RPS) at the proposed Amendments stage of the plan making process. The owner of the property made a submission to the proposed amendment to add the structure noting that they had not been afforded the 10-week notice period as set out within the Planning and Development Act, 2000 (as amended).

The Executive reiterated its position within regard to the statutory timeframes required for adding a structure onto the RPS and gave an undertaking to add the building to the RPS through the appropriate legal mechanism, that being Sections 54 and 55 of the Planning and Development Act, 2000 (as amended). Heeding this advice, the proposed amendment was not accepted, and the structure was not added to the RPS as part of the Plan process.

3. Legislative & Policy Provisions for Addition of Structure

3.1 Planning & Development Act

Sections 54 and 55 of the Planning and Development Act 2000 (as amended) state:

“54.—(1) A planning authority may add to or delete from its record of protected structures a structure, a specified part of a structure or a specified feature of the attendant grounds of a structure, where—

c) the authority considers that—

i) in the case of an addition, the addition is necessary or desirable in order to protect a structure, or part of a structure, of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, whether or not a recommendation has been made under section 53, or

ii) in the case of a deletion, the protection of the structure or part is no longer warranted, and

d) the addition or deletion is made when making a development plan under Part II or in accordance with section 55.

(2) The making of an addition to, or a deletion from, a record of protected structures shall be a reserved function”.

Section 55 of the Planning and Development Act, 2000 (as amended) sets out the procedure for a planning authority in making additions to or deletions from the record of protected structures during any time other than in the course of making its development plan. A time line for the process is set out in Appendix 2 of this report.

3.2 DLR Policy for the Addition of Structures

Policy Objective HER7 of the Dún Laoghaire-Rathdown Development Plan 2022-2028 states the following:

“It is a Policy Objective to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures”.

3.3 Screening for SEA & AA

A Strategic Environmental Assessment Screening Report was prepared with respect to the proposed addition to the RPS. This report had regard to the content of the Section 28 *“Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities, March 2022”* and in particular figure 3.2 which includes the variation process but not the Section 55 process. Regard was had to criteria set out in Annex 2 of the SEA Directive (Schedule 2A of the Planning and Development Regulations 2001, as amended) in the preparation of the report.

The conclusion of the report is that there is no real likelihood of significant effects on the environment.

An Appropriate Assessment Screening report concluded that having regard to the scale, location and nature of the addition to the RPS, there will be no adverse impact on any Natura 2000 site as a result of the proposed development.

The SEA and AA screening reports, together with the determination is set out in Appendix 5.

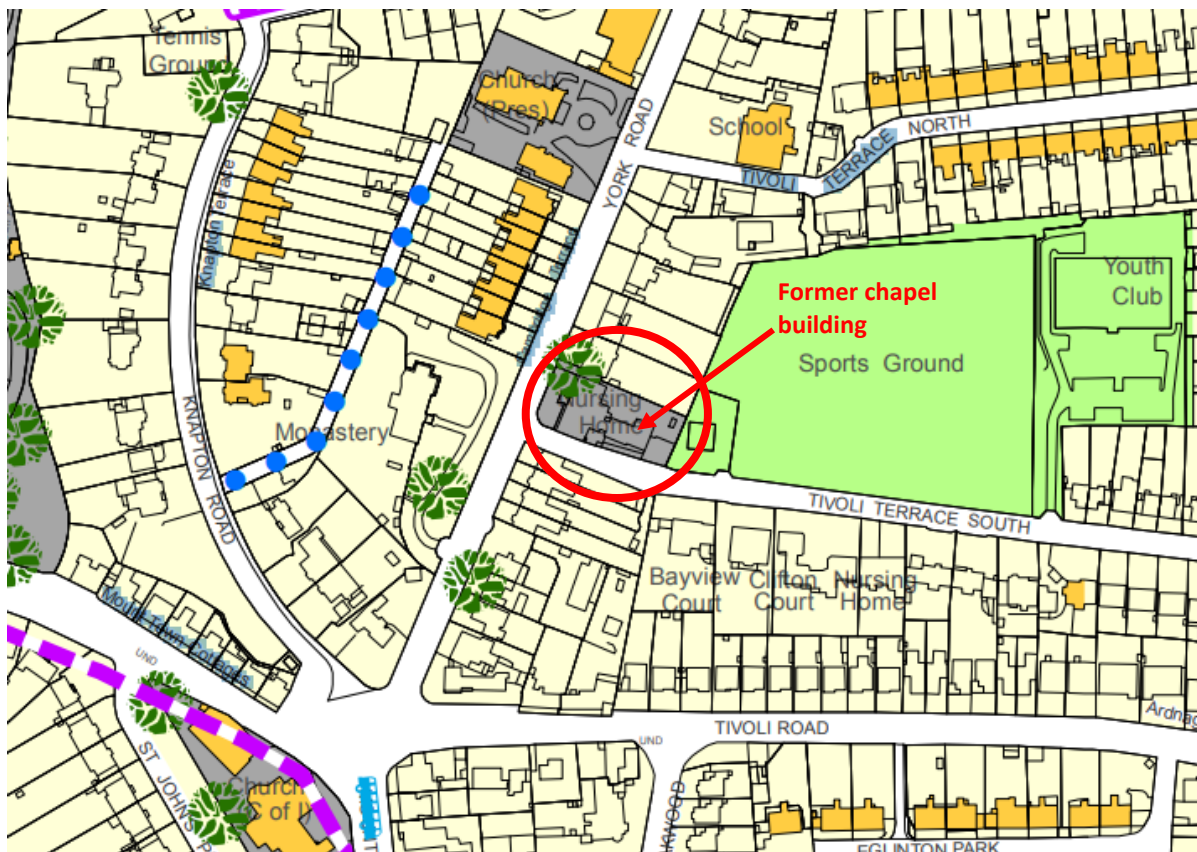
4. Site Context

4.1 Location and Zoning

The red brick former Chapel is situated along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire.

Zoning

As can be seen on Map 1 below, the site of 35 York Road, that includes the red brick structure, is zoned Objective SNI - To protect, improve and encourage the provision of sustainable neighbourhood infrastructure. Lands immediately north of the subject site are zoned *“Objective A - To provide residential development and/or protect and improve residential amenity”* while lands to the immediate east are zoned *“Objective F - To preserve and provide for open space with ancillary active recreational amenities”*.



Map 1: Site / Building Location

4.2 Recent Planning and Planning Enforcement History

There is no recent planning or enforcement history on site.

A historical application, Reg. Ref. 9630/79 refers to a change of use from religious community residence and clinic/dispensary to residence for discharged psychiatric patients and day treatment centre for non-residents.

4.3 Site Access

A site inspection (including an internal inspection) was carried out by Dún Laoghaire-Rathdown County Council's Conservation Officer on 7th April 2022. The structure is located to the rear of 35 York Road, Dún Laoghaire, with pedestrian access off Tivoli Terrace South.

4.4 Historical Background

The former chapel first appears on the historic OS map dating 1888-1913 to the rear of 'Tivoli Hall'. The historic OS map dating 1900 - 1924 identifies the building as a 'Chapel' associated with a 'convent'.

Having regard to the planning history of the site, it would appear that the former chapel served a religious order resident within the site up to the early 1980s when the use of the buildings within the site changed to a medical / healthcare use.

The building currently forms part of the Dún Laoghaire Primary Care Centre (HSE) and functions as a healthcare facility.

5. Architectural Heritage Appraisal

5.1 Description of Structure

The structure consists of a mid-nineteenth century red brick, Gothic-style chapel with an L-shaped plan aligned parallel to Tivoli Terrace South. The building is now in use as a Primary Care Centre for the Dún Laoghaire area run by the HSE for local residents.

The former chapel is comprised of two bays, the nave is set higher than chancel, with a sacristy abutting the latter to the rear. A small entrance porch placed on the western gable forms a link between former chapel and Centenary House. Roof is pitched, covered in slates with decorative terracotta ridge tiles and granite copping, the apex of each is surmounted by granite Celtic cross finial. There is a dressed granite chimney stack placed on the apex of the sacristy. A brick eaves course supports cast iron rainwater goods. Walls are laid in garden wall bonding with roughly dressed granite quoins and plinth course. Window openings are set in pairs with lancet heads with a shared granite chamfered cill and granite hood mouldings over, all contain coloured leaded lights. Those to the south street-facing elevation have protective grills over. There are three pairs to the nave and two pairs to the chancel. A similarly detailed triple window is placed to each gable; that to the east is covered over. The sacristy has two window openings similarly dressed to those on side elevation, each contain a 1/1 timber sash window with metal protective guards. To its left face is a small window with no hood mould and a timber sheeted and painted door with transom over is set to its right face. A dressed granite quatrefoil detail to the apex. The entrance porch is set below the window to the west gable it has a small lancet-headed fixed timber window and flush granite cill. A single-storey timber shed, in poor condition and of no architectural interest abuts the east gable. The site is enclosed within a rendered and painted boundary wall with steel vehicular entrance gates.

The interior has been subject to modification and retains little of its original character; much of the ecclesiastical fixtures and fittings have been removed. The spatial proportions of the former sacristy and the chancel (now offices) has been negatively impacted by suspended ceilings, interrupting the full height of the lancet windows. Flooring replaced throughout. While few surviving features remain in-situ notably the timber sheeted and panelled ceiling, some door architraves and timber doors, the relationship between the interior and exterior of the building have become disassociated and detached from each another. As such the internal space is no longer integral to the architectural form and expression of the building. A photographic record of the structure is set out in Appendix 3 of this report.

5.2 NIAH Significance/Rating

As this area of the County has not yet been surveyed, there is no National Inventory of Architectural Heritage entry for the subject building.

5.3 Assessment of Special Interest under the Planning and Development Act 2000

Chapter Two of the “Architectural Heritage Protection Guidelines for Planning Authorities” sets out the categories of special interest for inclusion onto The Record of Protected Structures (RPS). The former chapel has been assessed according to under these special categories.

i. Architectural interest

The characteristics of architectural interest may be attributed to a structure or part of a structure with such qualities as the following:

- A generally agreed exemplar of good quality architectural design
- The work of a known and distinguished architect, engineer, designer or craftsman
- An exemplar of a building type, plan-form, style or styles of any period but also the harmonious interrelationship of differing styles within one structure.
- A structure which makes a positive contribution to its setting, such as a streetscape or group of structures in an urban area, or the landscape in a rural area.
- A structure with an interior that is well designed, rich in decoration, complex or spatially pleasing.

The former chapel is a pleasant, well-proportioned building of compact form and appearance. Built in a Gothic style, constructed with high quality materials and embellished with granite detailing. Modest in appearance, it is a good exemplar of its type and contributes positively to the streetscape. The setting has potential to be enhanced. The internal space largely associated with the original ecclesiastical use has been lost as a result of the alterations and is no longer of any significant architectural merit.

ii. Historical Interest

The notion of historical interest underpins a general belief that is worthwhile to preserve and conserve structures, sites and information from past centuries. The level of importance of the historical connection and its relationship to the existing fabric of the structures should be assessed. The historical interest relating to a structure or parts of a structure may be identified in various ways.

- Location of an important event that occurred in, or associated with it, or by its association with a historic personality.
- A structure may have influenced, or been influenced by, an historic figure.
- By virtue of the structures design, plan, original use, materials or location.
- Memorial to past event.
- The design contains evidence of its former use or symbolic meaning i.e. former gaols, churches that have since changed, in doing so illustrate a historic development.
- Fixtures and fitting survive
- An unusual structure with socio-historical interest i.e. electricity substation, military pillboxes or sentry boxes
- Rarity of structure or representative example of its time

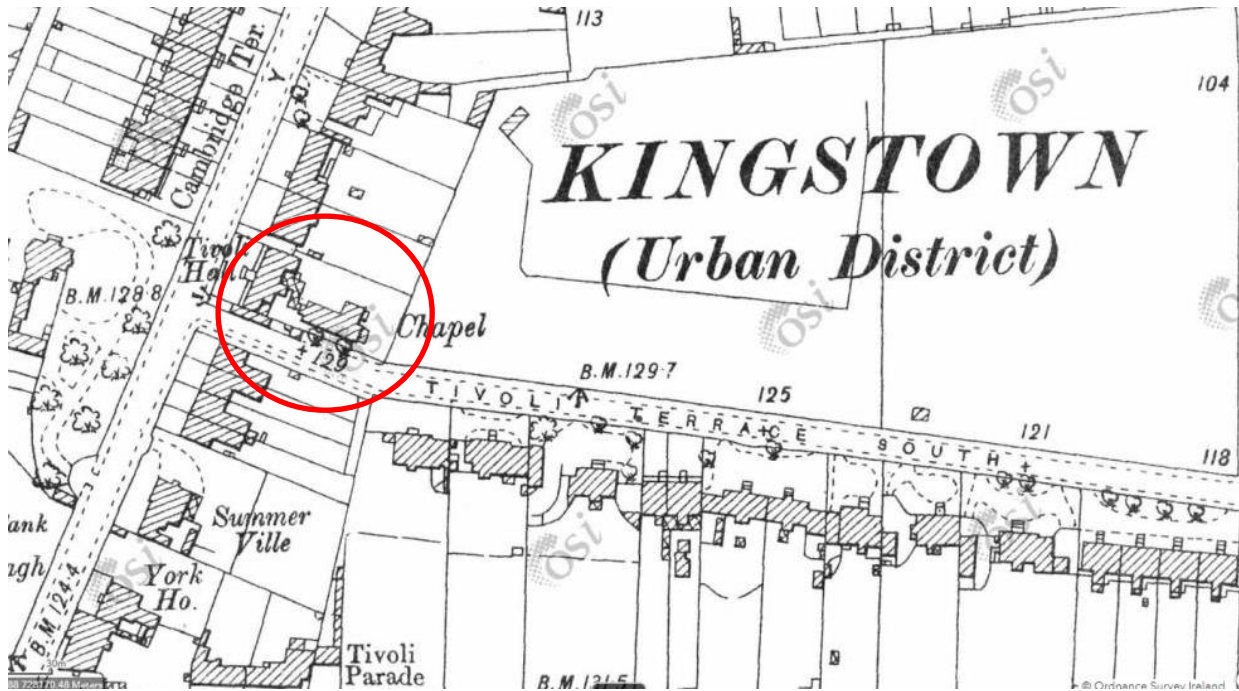
The former chapel does not appear on the historic OS Map 1837-1842 (map 2 below). The site is shown as a garden to the rear of 'Tivoli Cottage'. It first appears on the historic OS map dating 1888-1913 (map 3 below) to the rear of 'Tivoli Hall'. At this time, the latter building has been extended to the rear and south; it is likely that these works took place in conjunction with the construction of the Chapel. The enlargement of the building may explain the change of name from cottage to hall. The historic OS map dating 1900 - 1924 identifies the building as a 'Chapel' associated with a 'convent' (map 4 below).

During the mid-nineteenth century much development has taken place within the vicinity of the site with houses along Tivoli Terrace South and York Road having been constructed notably Cambridge Terrace which also uses red-brick as a material contrasting with the more popular rendered and painted facades.

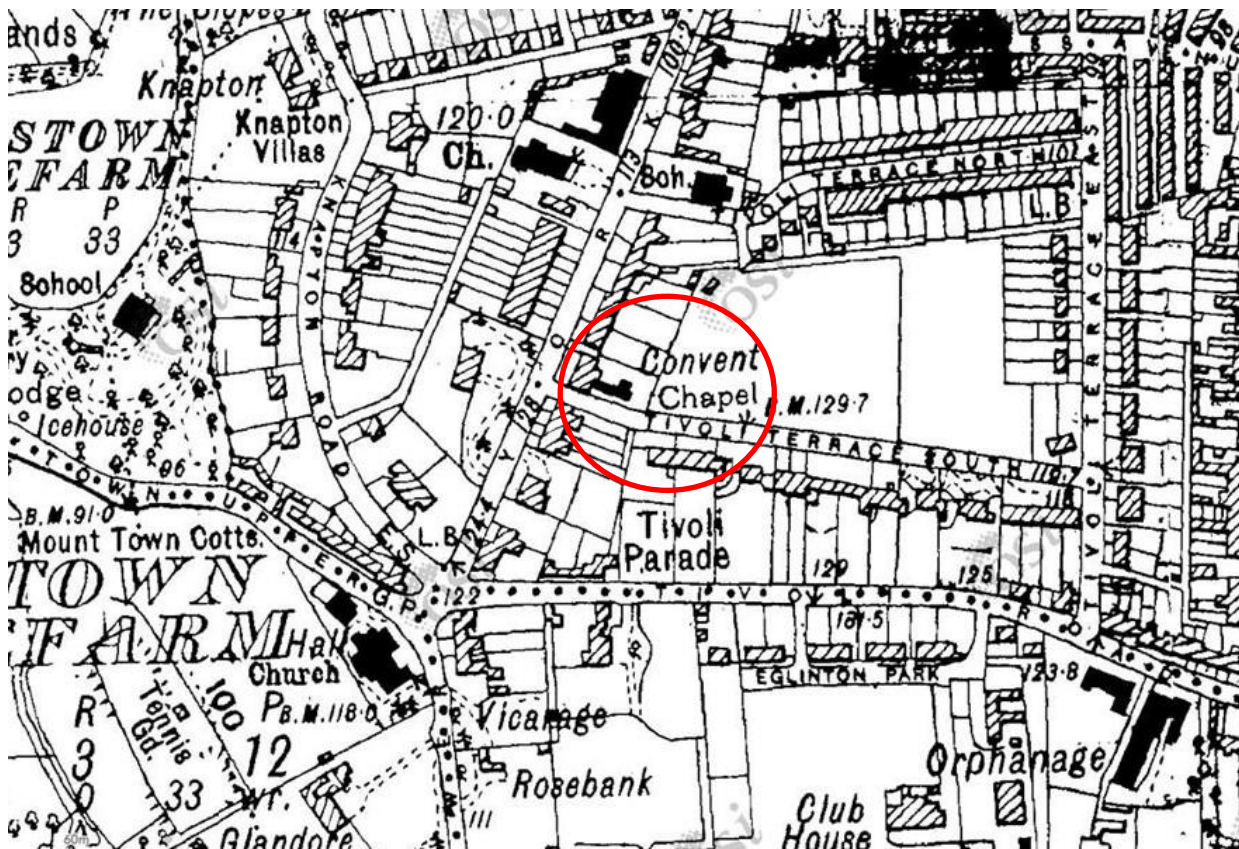
The former chapel represents an important component of the mid-nineteenth century ecclesiastical heritage of the County.



Map 2: Historic OS 6 inch 1837-1842



Map 3: Historic OS 25 inch 1888-1913



Map 4: Historic OS 6 inch 1900 - 1924

iii. Archaeological Interest

Special archaeological interest is essentially defined by the degree to which material remains can contribute to our understanding of any period or set of social conditions in the past. Structures of special archaeological interest may also be protected under the National Monuments Acts.

The former Chapel is of no archaeological interest.

iv. Artistic Interest

Special artistic interest may be attributed to a structure itself, or to a part of a structure, for its craftsmanship, design or decoration. Examples could include:

- 5 Good craftsmanship
- 6 Decoratively carved statuary or sculpture that is part of an architectural composition
- 7 Decoratively carved timber or ceramic tiled shopfronts
- 8 Ornate plasterwork ceilings
- 9 Decorative wrought-iron gates
- 10 Religious art in place of public worship i.e. stained glass windows
- 11 Fixtures and fitting i.e. carved fireplaces, staircases, light fittings
- 12 Funerary monuments within a graveyard
- 13 Relationship of materials to each other and the totality of the building in which they are situated, if these have been designed as an ensemble

The external form and expression of the building is enriched with high quality materials and embellished with granite dressings. The former chapel reveals high quality local stone particularly to the plinth and dressings, while the contrasting red brick produces an attractive visual effect contributing to the artistic design distinction of the composition.

v. Cultural Interest

The characteristics of cultural interest permeates the architectural heritage and can in broadest terms, include aesthetic, historical, scientific, economic or social values of past and present generations. Special cultural interest applies to:

- Structures to which the Granada Convention refers as ‘more modest works of the past that have acquired cultural significance with the passing of time’.
- Structures that have literary or cinematic associations particularly those that have a strong recognition value

- Other structures that illustrate the development of society, such as early schoolhouses, libraries, swimming baths or print houses.

The former chapel is of no cultural interest.

vi. Scientific Interest

The scientific interest or research value of a structure will depend on the importance of the data involved and on its rarity and/or quality. Its scientific interest should also be assessed as to how well it represents the area of research in question and the degree to which the structure may contribute further objective information. For example:

- The result of scientific research may be seen in the execution of the structures
- The materials used in the structure may have the potential to contribute to scientific research i.e. extinct pollen or plant species preserved in the base layers of ancient thatch roofs
- Associated with scientific research that has left its mark of the place, such as OS benchmarks carved into stonework

The former chapel is of no scientific interest.

vii. Technical Interest

Special technical interest in a structure relates to the art of the structural engineer in devising solutions to problems of spanning space and creating weather-proof enclosures. It may be found in structures which are important examples of virtuoso, innovative or unusual engineering design or use of materials. A structure may be of special technical interest for one or more of the following reasons:

- Displays structural or engineering innovation evidenced in its design or construction techniques
- Work of known or distinguished engineer
- Exemplar of engineering design practice of its time i.e. a bridge
- Displays technically unusual or innovative construction materials i.e. glazed curtain walling, Coade Stone
- Contains innovative mechanical fixtures, machinery or industrial heritage artefacts i.e. mill buildings
- Innovative engineering qualities of a structure as distinct from the building's appropriateness for use or its appearance of form.

The former chapel is of no technical interest.

viii. Social interest

The characteristic of special social interest embraces those qualities for which a structure, a complex or an area has become a focus of spiritual, political, symbolic or other sentiment to any group of people. A community may have an attachment to a place because it is an essential reference point for that community’s identity, whether as a meeting place or place of tradition, ritual or ceremony. Special social interest may be attributed to buildings such as almshouses which provide evidence of the social structure of past communities. Other structures could include wells, memorials, thatch cottages.

The repurposing of the chapel and the loss of the original ecclesiastical use has eroded the building’s social interest; it no longer applies in this instance.

5.4 Appraisal Conclusion

Having inspected the former chapel and assessed its significance against the categories of special interest as set out in the Planning and Development Act 2000 (as amended) the building is considered to be of:

- i. Architectural,
- ii. Historical, and
- iv. Artistic interest.

The structure therefore meets one or more of the special categories of interest set out under Section 54(a) of the Act and warrants inclusion onto the Record of Protected Structures.

It is noted, however, that the loss of the former ecclesiastical use together with a number of internal interventions has eradicated any tangible links with the building’s external architectural interest. Due to the permanent disconnection between the interior and exterior, it is recommended to add only the “the exterior” of the former chapel onto the RPS.

6. Recommendation

Having regard to the Architectural Heritage Appraisal set out in Section 5 above, which demonstrates how the former convent chapel meets three special categories of interest, it is recommended that the statutory process be initiated for the addition of the Red Brick (former) Chapel, located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures, in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).

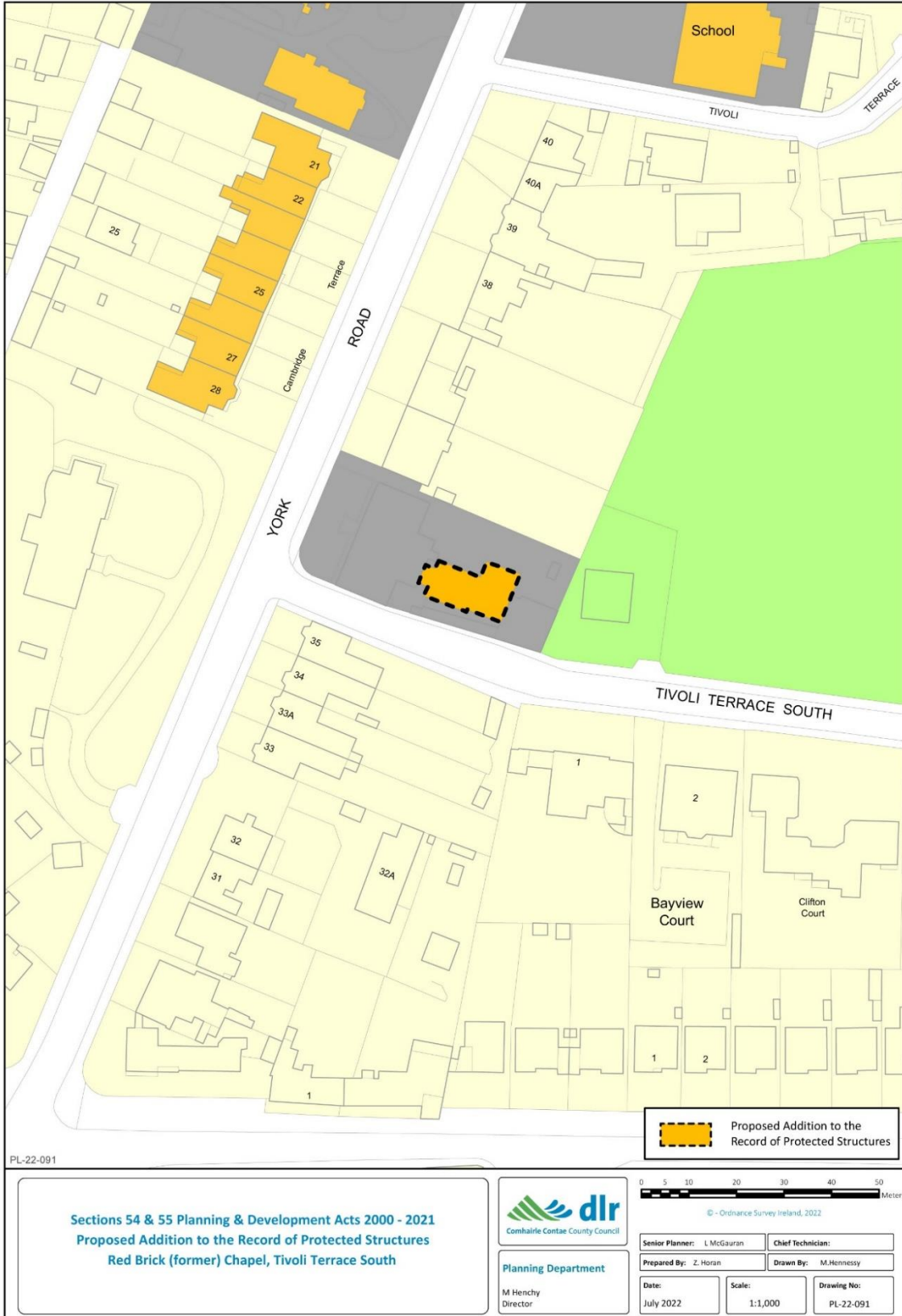
It is recommended that the addition to the RPS refers only to the exterior of the structure as concluded within Section 5 above. In this regard, it is proposed to add the structure to the RPS in the following format:

Recommendation: Add the following structure onto the Record of Protected Structures				
Structure Name	Address	Description (to appear on RPS)	RPS No.	Map No.

Red Brick (former) Chapel	Rear of Centenary House, 35 York Road, Dún Laoghaire / Tivoli Terrace South	Late nineteenth century (former) chapel of red brick with granite dressing (exterior only).	2135	3
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The extent of Protected Structure is illustrated in Appendix 1 of this report.

Appendix 1: Map showing location and extent of the proposed addition to the Record of Protected Structures



Appendix 2: Section 55 Timeline



Appendix 3: Photographic Record

Note: Descriptions of photos refer to the original use of the structure.



Photo 1: South Elevation



Photo 2: South Elevation



Photo 3: East Gable



Photo 4: Entrance Porch & Western Gable



Photo 5: North Elevation & Sacristy



Photo 6: North Elevation



Photo 7: Sacristy



Photo 8: Sacristy



Photo 9: Nave looking East



Photo 10: Nave looking West



Photo 11: Nave



Photo 12: Ceiling to Nave



Photo 13: Chancel




Photo 14: Sacristy



Photo 15: Entrance Lobby

Appendix 4: Newspaper Notice²

www.dlrcoco.ie

NOTICE OF PROPOSED ADDITION TO THE RECORD OF PROTECTED STRUCTURES IN THE DÚN LAOGHAIRE-RATHDOWN COUNTY DEVELOPMENT PLAN 2022-2028

SECTIONS 54 AND 55 OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

Notice is hereby given pursuant to Sections 54 and 55 of the Planning and Development Act 2000 (as amended) that Dún Laoghaire-Rathdown County Council proposes the following addition to the Record of Protected Structures (RPS) in the Dún Laoghaire-Rathdown County Development Plan 2022-2028:

- Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire.

This proposed addition to the RPS is not on foot of a Ministerial recommendation.

The particulars of the above proposed addition to the Record of Protected Structures, along with the reports to inform screening for Appropriate Assessment and Strategic Environmental Assessment and associated determinations, in accordance with the Planning and Development Regulations, 2001 (as amended) Planning and Development (Strategic Environmental Assessment) Regulations (S.I. 436 of 2004, as amended) and the Habitats Directive 92/43/EEC (as amended), will be available for inspection for a period of 6 weeks from Tuesday 13th September 2022 to Wednesday 26th October 2022 at the following locations:

- Online at www.dlrcoco.ie
- Dún Laoghaire-Rathdown County Council Offices, County Hall, Marine Road, Dún Laoghaire, A96 K6C9. 10:00 am – 4:00 pm, Monday to Friday.
- Dún Laoghaire-Rathdown County Council, Dundrum Offices, Main St, Dundrum, Dublin 14. 9:30am – 12:30pm and 1:30pm – 4:30pm, Monday to Friday.

Written submissions or observations in respect of the proposed addition to the Record of Protected Structures and associated Determinations may be made to the Planning Authority during the consultation period. All submissions or observations must be received no later than **Wednesday 26th October 2022.**

Late submissions will not be accepted.

Submissions/ Observations can be made via the following options only:

- **Online** through dlr Public Consultation Hub via Citizen Space: <https://dlrcoco.citizenspace.com>
- **In writing** to Senior Executive Officer, Planning Department, Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire.

In respect of making a submission or observation please note the following:

- Submissions/observations should include your name and, where relevant, details of any organisation, community group or company etc., which you represent.
- The personal information collected during the consultation process is collected for the purpose of receiving and dealing with submissions. For further information on how Dún Laoghaire-Rathdown County Council processes your personal data contained in submissions or observations to the County Development Plan please see the Council's website at <https://www.dlrcoco.ie/en/governance/gdpr-data-protection-and-privacy>.

Any submissions or observations will be taken into consideration before the making of the addition.

Please make your submission by **one** medium only, i.e. hard copy or website.

Mary Henchy, Director of Services, Planning Department.
13th September 2022.

*Dún Laoghaire-Rathdown County Council,
County Hall, Dún Laoghaire, Co. Dublin, Ireland
Comhairle Contae Dhún Laoghaire-Ráth an Dúin,
Halla an Chontae, Dún Laoghaire, Co. Átha Cliath, Éire
Tel: 01 205 4700 Email: info@dlrcoco.ie Web: www.dlrcoco.ie*

² Published in Irish Times 13/9/2022

Appendix 5: SEA and AA Screening Report and Determination

SEA Screening Report for Section 55 addition to RPS

STAGE 1 PRELIMINARY EXAMINATION

Strategic Environmental Assessment (SEA) is a process for the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme, before a decision is made to adopt the plan or programme.

The SEA Directive sets out that the Directive also applies to modifications to Plans. The addition to the RPS is made separate to the Plan variation process however the RPS does form part of the County Development Plan. An SEA level screening has therefore been carried out. The adopted County Plan was subject to full SEA.

Regard has been had to the content of the Section 28 “Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities, March 2022” and in particular figure 3.2 which includes the variation process but not the section 55 process.

Details of addition		
Proposed Section 55 Addition to Record of Protected Structures, Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire		
EXAMINATION		
	Yes/No/Uncertain	Comment
Is the size of the addition exceptional in the context of the existing environment?	No	
Is the proposed addition located on, in, adjoining or have the potential to impact on a sensitive site or location?	No	
Will the addition result in the production of any significant waste, or result in emissions or pollutants?	No	
Annex II criteria:		
1.The characteristics of plans and programmes, having regard, in particular, to		
The degree to which the resultant addition to the RPS and change to the County Plan impacts on the how 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	Addition will not impact negatively on how the County Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	
the degree to which the resultant addition to the RPS and change	Addition will not impact on the influence the County Plan has on	

to the County Plan influences other plans and programmes including those in a hierarchy	other plans and programmes including those in a hierarchy	
environmental problems relevant to the plan or programme	The addition will not impact negatively on how the plan addresses environmental problems	
the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste-management or water protection)	The addition will not impact on the how the plan is relevant for the implementation of Community legislation on the environment	
Annex II criteria:		
2. 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	No likely effects	
the cumulative nature of the effects,	No likely cumulative effects	
the transboundary nature of the effects,	No likely transboundary effects	
the risks to human health or the environment (for example, due to accidents),	No likely risk to human health or environment arising from addition to RPS. AA Screening has been carried out and no likely significant direct or in combination effects were found on a Natura 2000 site.	
the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	No likely effects on population or area	
the value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use,	No likely impact or negative effect. Positive impact due to listing of building and protection of heritage	
the effects on areas or landscapes which have a recognised national, Community or international protection status.	No likely impact or negative effect	
CONCLUSION		
Based on SEA screening of the addition, is there a real likelihood of significant effects on the environment?		
There is no real likelihood of significant effects on the environment	SEA not required	Correct in this instance

There is a significant and realistic doubt in regard to the likelihood of significant effects on environment.	SEA screening required	n/a
There is a real likelihood of significant effects on the environment	SEA required	n/a

AA Screening

The proposed addition to the RPS has been screened for Appropriate Assessment in an AA Screening Report. The Conclusions and Determination to the AA Screening Report were:

*“It is considered that an **AA is not required** for the proposed addition to the RPS because there are no direct/indirect potential significant effects on a Natura 2000 site.*

*It is considered that an **AA is not required** for the proposed addition to the RPS because there are no potential significant effects, in combination with any other project, on a Natura 2000 site.”*

The justification given for the determination was:

“It is clear from the location and nature of the addition to the RPS that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report. “

Consultation with Prescribed bodies

A screening Notice, Draft SEA Screening Report and the Proposed Section 55 Addition to the Record of Protected Structure Report was sent to the following 8 prescribed bodies on 20th July 2022:

- EPA
- Minister for Housing, Local Government and Heritage
- Development Applications Unit, Minister for Housing, Local Government and Heritage
- Department of Environment, Climate and Communications
- Department of Agriculture, Food & the Marine
- Chief Executives - Dublin City Council, Wicklow County Council and South Dublin County Council

The Environmental Authorities were invited to return a submission or observation by 17th August 2022. Responses were received from the Department of Agriculture, Food & the Marine, The Geological Survey of Ireland and the EPA. The Department of Agriculture, Food & the Marine and the Geological Survey of Ireland stated that “. . at this time the Department of Agriculture; Food and the Marine has no submissions or observations in regards to same.” The Geological Survey Ireland states that they have “. . no specific comment or observations to make on this matter at this time”.

The response from the EPA was generic and referred the Planning Authority to *inter alia* the various resources of the EPA, to the legislation, the need to align with higher level plans and the national commitment of climate change mitigation and adaptation and the proper planning and sustainable development of the area. The submission also referred to the need to consult with the Environmental Authorities and to comply with the Habitats Directive in terms of Appropriate Assessment.

The Planning Authority has complied with the relevant legislation, higher level plans, Section 28 Guidelines, and accords with the proper planning and sustainable development of the area. The Draft Screening report was referred to the Environmental Authorities and the screening report and screening determination will be circulated to the

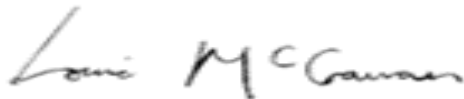
Environmental Authorities; available in the Council's offices and displayed on the Council's website. AA Screening has been carried out and has been taken into account in the preparation of this SEA Screening Report.

Overall Conclusion

SEA Screening is the process for determining whether a particular plan - or amendment to a plan - other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA. The purpose of the report is to evaluate the requirement for SEA to be undertaken on the proposed addition to the Record of Protected Structures.

A determination as to whether SEA is or is not required for the Proposed Amendment must be undertaken. This report has been prepared in order to help inform the SEA determination.

The assessment provided in this report was made having regard to Annex II of the SEA Directive which is reproduced as Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 and (Schedule 2A of the Planning and Development (SEA) Regulations 2001, as amended and has found that the Proposed Amendment would not be likely to result in significant environmental effects.



Louise McGauran, Senior Planner
Date: 5 / 9 / 2022

No. PGEN/ 0 0 2 5 - 2022

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

**Strategic Environmental Assessment (SEA) Determination under:
The Planning and Development Act 2000 (as amended)
for:**

**A proposed addition to the Record of Protected Structures in the Dún Laoghaire-Rathdown County
Development Plan 2022-2028**

A Strategic Environmental Assessment (SEA) Determination is being made by Dún Laoghaire-Rathdown County Council regarding a proposed addition of the Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures Dún Laoghaire-Rathdown County Development Plan 2022-2028.

An SEA Screening Report has been prepared. This report has had regard to the content of the Section 28 "Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities, March 2022" and in particular figure 3.2 which includes the variation process but not the Section 55 process. The criteria set out in Annex 2 of the SEA Directive (Schedule 2A of the Planning and Development Regulations 2001, as amended by the SEA Planning Regulations (S.I. 436 of 2004, as amended) have been taken into account in the preparation of the Screening Report. The SEA Screening Report has informed this determination and hence the determination takes into account the relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended.

The Environmental Authorities and adjoining Planning Authorities were notified of proposed addition to the RPS and sent a Draft SEA Screening Report and relevant comments were taken into account in the SEA Screening Report.

The Screening Report finds that the addition to the record of protected structure will not impact:

- negatively on how the County Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- on the influence the County Plan has on other plans and programmes including those in a hierarchy;
- negatively on how the plan addresses environmental problems; nor
- on the how the plan is relevant for the implementation of Community legislation on the environment

The Report identifies that all potential effects arising from the addition to the protected structure:

- will have no likely effect;
- no likely cumulative effects;
- no likely risk to human health or environment;
- no likely effect on population or the area;
- no likely effect on landscapes
- positive impact due to listing of building and protection of heritage.

No. PGFN/ 0 0 2 5 - 2022

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The SEA Screening Report concludes that there is no real likelihood of significant effects on the environment.

An Appropriate Assessment Screening Report was also carried out. The AA Screening Report concluded that:

"It is considered that an AA is not required for the proposed addition to the RPS because there are no direct/indirect potential significant effects on a Natura 2000 site.

It is considered that an AA is not required for the proposed addition to the RPS because there are no potential significant effects, in combination with any other project, on a Natura 2000 site."

The justification given to the above conclusion was:

"It is clear from the location and nature of the addition to the RPS that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report."

Consequently, in view of the conclusions outlined above, the proposed addition to the Record of Protected Structures does not require SEA.

This determination has been informed by the:

- SEA Screening Report for the proposed addition to the Record of Protected Structures;
- AA Screening Report for the Proposed addition to the Record of Protected Structures.

Having carefully considered the information referred to above and being in agreement with and adopting the reasoning and conclusion presented above I hereby recommend that that A Strategic Environmental Assessment (SEA) Determination be made, that SEA is not required for a proposed addition of the Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Signed: L. McGauran
L McGauran
Senior Planner

Date: 8/9/2022

Order:

Having carefully considered the information and report of the Senior Planner set out above I agree with the reasoning and conclusion presented and recommend that it is determined having regard to Section 28 "Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities, March 2022" that no SEA is required for the Proposed Material Alterations listed above and that other Proposed Material Alterations do not require SEA.

Signed: M. Henchy
Mary Henchy
Approved Officer

Date: 8/9/22

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 7262, dated 20/11/19, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

DLRCC AA Screening Report Section 55 addition or deletion to RPS		
Project Details		
Proposed Section 55 Addition to Record of Protected Structures, Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire		
Is the addition/deletion to the Record of Protected Structures (RPS) directly connected with or necessary to the conservation management of any European Site?	Yes	No
Is the project located within 100m of a Natura 2000 site?	Yes	No
Please state closest Natura 2000 site & distance to site (See Table 1 and AA Screening Map)	Site: South Dublin Bay	Distance: c.0.810km
Please state other Natura 2000 sites with any links to the proposal that is, pathways for potential impacts e.g. surface water or groundwater, land or air pathway	Site: N/A	Pathway and Distance: N/A
Description of the section 55 addition/deletion:		
<p>The structure in question is a late nineteenth century gothic chapel of red brick with granite dressing to the hood mouldings over the arched windows, granite quoins and cross-shaped granite finials to the roof. The building is considered to be of architectural and artistic interest and makes a positive contribution to the streetscape. The former chapel first appears on the historic OS map dating 1888-1913 to the rear of 'Tivoli Hall'. The historic OS map dating 1900 - 1924 identifies the building as a 'Chapel' associated with a 'convent'.</p> <p>The building currently forms part of the Dún Laoghaire Primary Care Centre (HSE) and functions as a healthcare facility.</p> <p>The interior has been subject to modification and retains little of its original character; much of the ecclesiastical fixtures and fittings have been removed. As such the internal space is no longer integral to the architectural form and expression of the building. It is proposed to add the exterior only to the Record of Protected Structures.</p>		

Note: Having regard to Section 5.5.1 (2) of the Appropriate Assessment of Plans and Projects in Ireland - It is considered that an addition to or deletion from the RPS would not come under the definition of local Authority "project" and would not require consideration for AA.

Table 1: Summary of Natura 2000 Sites within or immediately adjoining DLRCC

Site	Features of Interest	Conservation Objectives
<p>South Dublin Bay SAC</p> <p>Site code: 000210</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand <p>Embryonic shifting dunes</p>	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.</p> <p>For full details refer to: https://www.npws.ie/protected-sites/sac/000210</p>
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Site code: 004024</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Ringed Plover (<i>Charadrius hiaticula</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Redshank (<i>Tringa totanus</i>) • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • Roseate Tern (<i>Sterna dougallii</i>) • Common Tern (<i>Sterna hirundo</i>) • Arctic Tern (<i>Sterna paradisaea</i>) • Wetland and Waterbirds 	<p>To maintain the favourable conservation condition of Light-bellied Brent Goose in South Dublin Bay and River Tolka Estuary SPA.</p> <p>For full details refer to: https://www.npws.ie/protected-sites/spa/004024</p>
<p>Dalkey Islands SPA</p> <p>Site code: 004172</p>	<ul style="list-style-type: none"> • Roseate Tern • Common Tern • Arctic Tern 	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Roseate Tern, Common Tern, Arctic Tern.</p> <p>For full details refer to: https://www.npws.ie/protected-sites/spa/004172</p>
<p>Rockabill to Dalkey Island SAC</p> <p>Site Code: 003000</p>	<ul style="list-style-type: none"> • Reefs • Phocoena phocoena (Harbour Porpoise) 	<p>To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC.</p> <p>For full details refer to: https://www.npws.ie/protected-sites/sac/003000</p>
<p>Ballyman Glen SAC</p> <p>Site code: 000713</p>	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (<i>Cratoneurion</i>) • Alkaline fens. 	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>For further details refer to: https://www.npws.ie/protected-sites/sac/000713</p>
<p>Knocksink Wood SAC</p> <p>Site code: 000725</p>	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (<i>Cratoneurion</i>) • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) 	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>For further details refer to: https://www.npws.ie/protected-sites/sac/000725</p>

Table 1: Summary of Natura 2000 Sites within or immediately adjoining DLRCC		
Site	Features of Interest	Conservation Objectives
Wicklow Mountains SAC Site code: 002122	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) • Natural dystrophic lakes and ponds • Northern Atlantic wet heaths with Erica tetralix • European dry heaths • Alpine and Boreal heaths • Calaminarian grasslands of the Violetalia calaminariae • Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) • Blanket bogs (* if active bog) • Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) • Calcareous rocky slopes with chasmophytic vegetation • Siliceous rocky slopes with chasmophytic vegetation • Old sessile oak woods with Ilex and Blechnum in the British Isles Lutra lutra (Otter)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. For further details refer to: https://www.npws.ie/protected-sites/sac/002122
Wicklow Mountains SPA Site Code: 004040	14 Merlin Peregrine	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. For further details refer to: https://www.npws.ie/protected-sites/spa/004040

Notes:

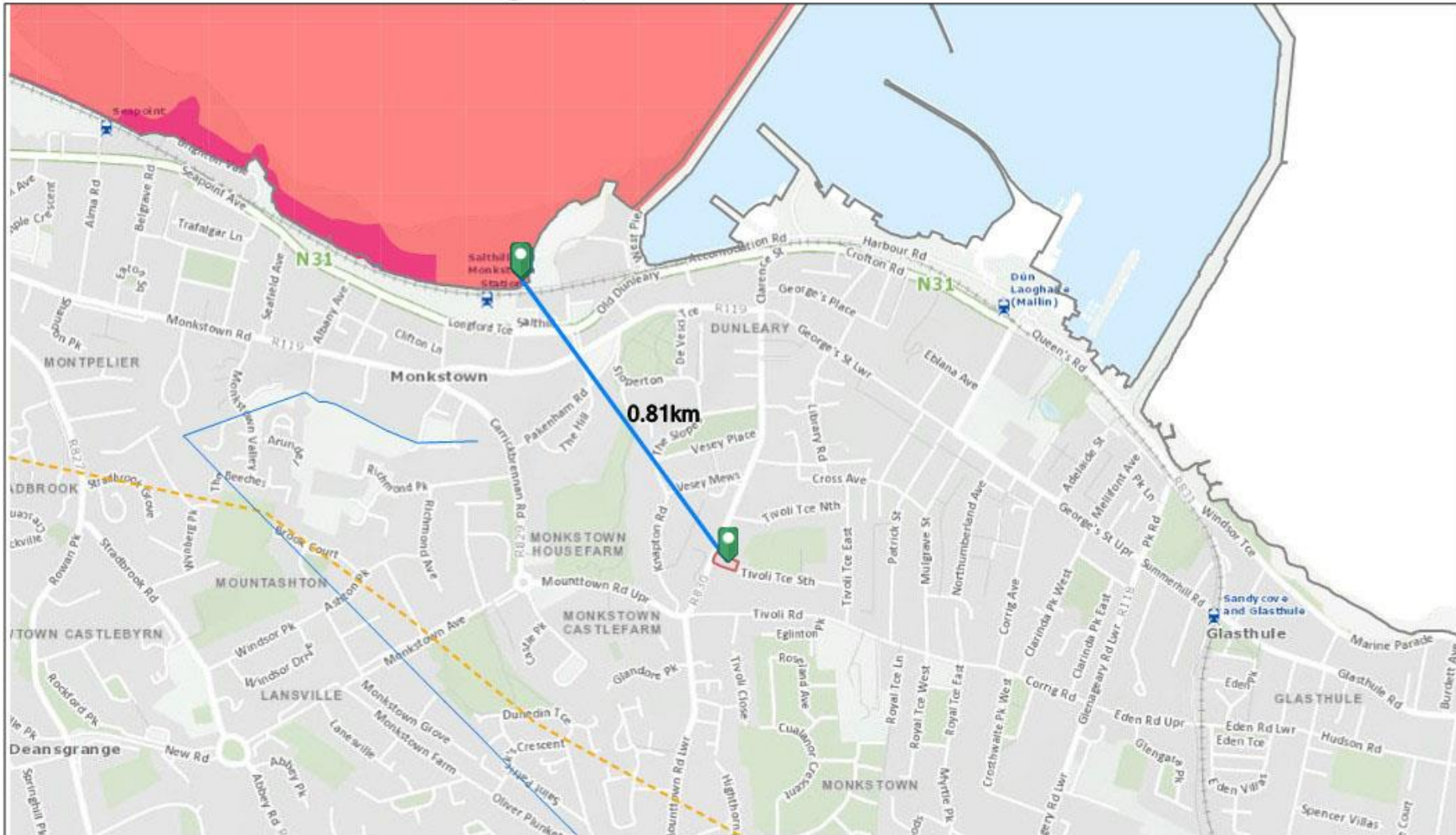
Appropriate Assessment is relevant to International designations of EU Natura 2000 sites – this includes SACs and SPAs. It does not apply to Nationally designated sites NHAs (Natural Heritage Areas) or proposed pNHAs (although some overlap with Natura 2000 sites).

Other Important Sites and Designations

Sites such as non-designated important areas for wintering birds, Nationally designated sites such as Natural Heritage Areas (NHAs), proposed Natural Heritage Areas (pNHA) and other designated sites such as Nature Reserves, Wildfowl Sanctuaries and Ramsar sites do not form part of the Natura 2000 Network however, they often overlap with Natura 2000 sites and they also provide a supporting role to the network, for example for mobile species such as birds that may move between a variety of Natura 2000 sites and other sites. These sites are considered important under Article 10 of the Habitats Directive and the Habitats Regulations 2011 as features that connect the Natura 2000 network. Such sites that provide regular feeding grounds for example for wintering birds for which another site is designated as an SPA play a role in the maintenance of the species at favourable conservation status for that SPA. In that case in order to protect the Natura 2000 network it may also be important to protect a site which is not a Natura 2000 site but which provides a supporting role to it. However, some of these sites may not play a supporting role or interact with the Natura 2000 network.

In the case of Dun Laoghaire Rathdown County area, the main possible supporting sites would be those of amenity or rough grassland sites within 4km of European Sites, upland forestry, heath or grassland habitat within 2km of the Wicklow Mountains SAC and wildlife corridors such as riparian habitat and associated watercourses connecting to Wicklow Mountains SAC for Otter.

AA Screening Map 35 York Road / Tivoli Terrace South



11/08/2022, 09:59:16

-  DLR County Boundary
-  Special Protection Areas (SPA)
-  Rivers
-  Special Areas of Conservation (SAC)
-  Water Catchment Areas

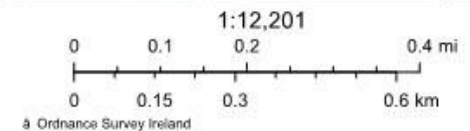


Table 2: Screening Questions

Screening Question	Reason	Yes	No	Unsure
Is the proposed addition within the boundary of a SAC or SPA during the construction, operational or decommissioning stage?	<i>Potential for direct impact.</i>		X	
Is there a potential for discharge of run-off to a watercourse/drain stream linking to the coastal European sites, or directly into the European site? (See Figure 1)	<i>Potential for indirect impact via contaminated site run -off.</i>		X	
Will there be crossings, diversions, culverting of rivers or streams of streams leading to the coastal European sites?	<i>Potential for indirect impact via contaminated site run -off.</i>		X	
Is there a potential for discharge run-off to a watercourse/drain linking to the coastal European sites, or directly into the European site? (See Map 1)	<i>Potential for indirect impact via contaminated site run -off.</i>		X	
Will the addition create any barriers including physical barriers to groundwater flow especially in the recharge zone of catchment of the petrifying springs to Knocksink Woods or Ballyman Glen SAC.	<i>Potential for indirect/direct impact on catchment of petrifying springs e.g piling, foundations, hardstanding areas.</i>		X	
Will any operational discharge alter water quality or quantity (volumes) to a watercourse linking to Knocksink Woods or Ballyman Glen SAC.	<i>Potential for indirect/direct impact on catchment of petrifying springs</i>		X	
Is there enough capacity in the relevant wastewater treatment plant to ensure that waste can be treated to its design standard or is the on-site WWTS functioning properly?	<i>Potential for indirect impact via discharge of sub-standard effluent into receiving waters.</i>	Y		
Is there a proposal to abstract or discharge to groundwater or surface water in the catchments or Knocksink Woods or Ballyman Glen SACs?	<i>Potential for adverse impacts on catchment of petrifying springs. (note: catchment of springs may be hard to determine).</i>		X	
Is the proposed addition likely to lead to more pedestrian activity/visitor pressure along the coast, foreshore, beaches or piers?	<i>Potential for increased disturbance of overwintering birds.</i>		X	
Is the addition likely to involve construction works or other activities close to the coastline near European sites (i.e. works that can be heard, seen or perceived from the coastline)?	<i>Potential for increased disturbance of overwintering birds.</i>		X	
Is the addition likely to require loss of amenity or rough grassland sites within 4km of European Sites?	<i>Potential for increased disturbance of overwintering birds feeding on inland sites.</i>		X	
Is the addition likely to lead to loss of upland forestry, heath or grassland habitat within 2km of the Wicklow Mountains SAC?	<i>Potential for loss of supporting habitats for birds and connectivity to upland habitats.</i>		X	
Is the addition likely to lead to more pedestrian activity/visitor pressure in the Wicklow Mountains SAC?	<i>Potential for increased disturbance of birds and sensitive habitats.</i>		X	
Is the addition likely to lead to more off-road vehicular activity in the Wicklow Mountains SAC?	<i>Potential for increased disturbance of birds and sensitive habitats e.g. mountain bike trails</i>		X	

Table 3: Other Relevant Information	
Relevant Advice Received / Required	
Documentation reviewed for making of this statement (attached if applicable)	
15	Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoHLG) – Refer Section 5: Projects – AA and Development Management.
16	NPWS Data (refer table 1)
Comments	
Having regard to the scale, location and nature of the addition to the RPS, there will be no adverse impact on any Natura 2000 site as a result of the proposed development.	

Table 4: Conclusions and Determination	
Section 177U AA Screening determination	
It is considered that an AA is not required for the proposed addition to the RPS because there are no direct/indirect potential significant effects on a Natura 2000 site.	X
It is considered that an AA is not required for the proposed addition to the RPS because there are no potential significant effects, in combination with any other project, on a Natura 2000 site.	X
It is considered that an AA is required as significant effects are certain, likely or uncertain.	
Please justify the reasons for making this determination (based on information in above tables)	
It is clear from the location and nature of the addition to the RPS that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report.	
Name:	Louise McGauran
Position:	Senior Planner
Date:	13 th July 2022

NoPGEN/ 0 0 2 6 - 2022

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Screening for Appropriate Assessment (AA) Determination under:
The Planning and Development Act 2000 (as amended)
for:

**A proposed addition to the Record of Protected Structures in the Dún Laoghaire-Rathdown County
Development Plan 2022-2028**

A Screening for Appropriate Assessment (AA) Determination is being made by Dún Laoghaire-Rathdown County Council regarding a proposed addition of the Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures Dún Laoghaire-Rathdown County Development Plan 2022-2028.

An AA Screening Report was prepared for the proposed addition of the Red Brick (former) Chapel (exterior only), located along Tivoli Terrace South, to the rear of Centenary House, 35 York Road, Dún Laoghaire, to the Record of Protected Structures Dún Laoghaire-Rathdown County Development Plan 2022-2028.

The AA Screening Report concluded that:

"It is considered that an AA is not required for the proposed addition to the RPS because there are no direct/indirect potential significant effects on a Natura 2000 site.

It is considered that an AA is not required for the proposed addition to the RPS because there are no potential significant effects, in combination with any other project, on a Natura 2000 site."

The justification given to the above conclusion was:

"It is clear from the location and nature of the addition to the RPS that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological / hydrogeological links from the proposed development site to any of the Natura 2000 sites examined in this screening report."

The following was taken into account in the preparation of the Screening Report:

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoHLG) – Refer Section 5: Projects – AA and Development Management.
- NPWS Data on Natura 2000 Sites

Having carefully considered the information referred to above and being in agreement with and adopting the reasoning and conclusion presented above I hereby recommend that that An Appropriate Assessment Determination be made pursuant for the purposes of Article 6(3) of the Habitats Directive that Stage 2 AA is not required for the above addition to the record of Protected Structures.

No. PGEN/ 0 0 2 6 - 2022

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Signed: Louise McGauran
Louise McGauran
Senior Planner

Date: 8/9/2022

Order:

Having carefully considered the information and report of the Senior Planner set out above I agree with the reasoning and conclusion presented and recommend that it is determined for the purposes of Article 6(3) of the Habitats Directive that that Stage 2 AA is not required for the above proposed Addition to the Record of Protected Structures.

Signed: Mary Henchy
Mary Henchy
Approved Officer

Date: 8/9/22

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2202, dated 28/11/19, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.