



Case Reference / Description	999 no. residential units (579 no. Build to Rent apartments, 420 no. Build to Sell apartments), childcare facility and associated site works. City Block 9, North Wall Quay, Dublin 1.		
Case Type	Section 5 Pre-Application Consultation Request 2 nd Meeting		
Date:	2 nd July, 2020	Start Time	9.30 am
Location	Offices of An Bord Pleanála and via Microsoft Teams	End Time	12.35 pm
Chairperson	Tom Rabbette	Senior Executive Officer	Cora Cunningham

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Karen Kenny, Senior Planning Inspector
Cora Cunningham, Senior Executive Officer

Representing Prospective Applicant:

Jodie Ronan, RGRE
Paul O'Brien, HJL
Tom Phillips, TPA
Johnny Ronan, RGRE
Rory Williams, RGRE
Gemma Conroy, HJL
Orlaith Swords, HJL
Richard Coleman, Citydesigner
Darren Carroll, Citydesigner
William Murray, Wordsearch Place

David Twohig, Wordsearch Place
Mike Martyn, Cameo and Partners
Pearse Sutton, CS Consulting
Niall Barrett, CS Consulting
Michael Dowling, CS Consulting
John Gleeson, IES
Ray Palmer Smith, Knight Frank
Peter Rodgers, ERM
Oliver Reid, TPA

Representing Planning Authority

Colm Harte, Executive Planner
Edel Kelly, Senior Transportation Officer
Myles Farrell, Senior Executive Planner
Nicola Conlon, Senior Executive Planner

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant and Dublin City Council (PA), including attendees joining the meeting via Microsoft Teams, and introductions were made. The procedural matters relating to the meeting were as follows:

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process.
- ABP received a submission from the PA on 20th January 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision. ABP received an addendum to the written opinion on 26th June 2020 in response to new documentation submitted by the perspective applicant on 4th June 2020 in advance of the second tripartite meeting.
- The consultation meeting will not involve a merits-based assessment of the proposed development.
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant.
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 13th December, 2019 formally requesting pre-application consultations. The ABP representatives acknowledged the notification issued by ABP on 24th February, 2020 advising the prospective applicant that a second consultation meeting would be necessary for the purpose of forming an opinion, and the prospective applicant's response to the notification on 4th June, 2020. The prospective applicant was advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Compliance with SHD Legislation**
- 2. North Lotts and Grand Canal Dock SDZ Planning Scheme**
- 3. Development Strategy**
- 4. Support Facilities, Services and Amenities**
- 5. Residential Amenity**
- 6. Open Space**
- 7. Car Parking and Capacity of Transport Infrastructure (inc. increased footfall)**
- 8. Any other matters**

1. Compliance with SHD Legislation

ABP sought further elaboration/discussion on:

- Basement structure and breakdown of uses at basement level.

Prospective Applicant's Comments:

- Permission granted for residential and commercial schemes on the site under Reg. Ref. DSDZ3779/17 and DSDZ3780. Permission granted in January 2020 to amalgamate and amend the basements (PA Ref. DSDZ3042/19).
- Prospective applicant intends to rely on this permission for the basement. SHD development would sit on top of the approved structure and include some amendments.
- Precedents for this approach in other mixed-use schemes.

Planning Authority's Comments:

- PA require clarification as to how basement will work and how commercial floorspace would be addressed.
- Concern over future development on remainder of proposed site.

Further ABP Comments:

- There is still a question in relation to whether the proposed development comes within the definition of Strategic Housing Development.
- The extent of other uses at basement level has not been resolved and the 'commercial' element would appear to exceed the limitations on other uses under the 2016 Act.

- The intention to rely on a basement structure approved under PA Ref. DSDZ3042/19 is questioned. The basement permission is for modifications to residential and commercial schemes and is not a standalone permission.
- In the event of an application being made under Strategic Housing Development legislation the onus will be on the prospective applicant to demonstrate that the proposed development comes within the definition of SHD including the limitations on other uses; and that it can be considered as a standalone application and would not be dependent on any other proposal (s) for which permission is yet to be granted.

2. North Lotts and Grand Canal Dock SDZ Planning Scheme

ABP sought further elaboration/discussion on:

- Consistency with parameters of the North Lotts and Grand Canal Dock SDZ Planning Scheme.

Prospective Applicant's Comments:

- Proposed development is consistent with the zoning objective for the site. It is possible under SHD legislation to materially contravene the scheme in respect of other matters.
- There is a deviation in respect of building height. The applicant has prepared a Material Contravention statement in respect of this issue.
- The scheme is not breached in respect of other matters.
- Three different scenarios are shown in the documents for the site. Scenario A is the SHD proposal only. Scenario B includes a future commercial development on the balance of the site that reflects the client's vision but would not be consistent with the current planning scheme in relation to height and other matters. Scenario C includes a future commercial development that would comply with the parameters of the planning scheme.

Planning Authority's Comments:

- The PA is of the view that the proposed SHD scheme would deviate in a number of respects from the planning scheme including relocation of public open space, insertion of an additional street and breaking of a fixed building line along the quays.

Further ABP Comments:

- Deviation in respect of height is noted.
- The PA refers to other deviations. Deviations in relation to fixed aspects of the scheme such as streets, open spaces, building lines and use mix should be addressed in the documents including consideration of whether the deviation represents a material change to the scheme.
- The scenarios illustrated on drawings, photomontages etc are noted. Question the emphasis on a non-compliant commercial scheme (Scenario B) in photomontages and other documents. This could be construed as misleading. Important that the SHD scheme is shown as a standalone proposal in the first instance and that a future scenario that is consistent with the approved planning scheme is used as the basis for illustrating cumulative impacts arising from the build out of the overall site.

3. Development Strategy

ABP sought further elaboration/discussion on:

- The development strategy for the site.

Prospective Applicant's Comments:

- Substantial amount of works done since the last meeting as detailed in the submitted 'vision and place strategy' and in the updated 'heritage, townscape, landscape and visual impact assessment'.
- Important to ensure that the development will not overwhelm the area. New routes and connections included, and public uses introduced at street level to draw people into the site. Public viewing area gives public access to taller building. Emphasis on sustainable urban development and vertical landscaping. Public realm and architecture fits into area.
- Height rationale provided in documentation submitted. Tall buildings permitted in the area, the proposed will not impact sensitive views from around the city and will provide transition from the River Liffey.
- Proposed development will mark end of commercial development in the area.
- Prospective applicant working to develop details of cladding and green wall systems. Will provide greater details in application.
- PA have raised concerns regarding visualisations. Significant work done to ensure accuracy of the imagery.

Planning Authority's Comments:

- PA acknowledge strong emphasis on public realm and increase in active ground floor uses.
- PA would question if building height is suitable on this specific site. The submitted documents refer to the docklands in general.
- Prospective applicant should clarify what makes City Block 9 special compared to other buildings in the area.
- Concern in relation to public realm at street level and the access to daylight / sunlight and wind impacts. These spaces need to be attractive to residents.

Further ABP Comments:

- Significant amount of work done since the initial tripartite meeting, particularly in relation to the development strategy.
- Considered that further justification is needed for the proposed height strategy on the specific site – addressing tower elements and main blocks.
- Other deviations from the planning scheme also need to be justified particularly if they impact on the wider strategy for the area.
- The submitted information is relatively high level. Need for greater detailed at application stage, including sections through the site, drawings of suitable scale for typical details, detail of finishes and cladding systems etc.

4. Support Facilities, Services and Amenities

ABP Comments:

- Updated documents clear in relation to the facilities, services and amenities.

5. Residential Amenity

ABP sought further elaboration/discussion on:

- Performance in relation to daylight/sunlight access and microclimate.

Prospective Applicant's Comments:

- Increase in dual aspect units and reduced single aspect north facing units.
- Daylight / sunlight and micro-climate assessments ongoing.
- Looking at BRE guidance. However, a need to consider an appropriate benchmark for a higher-density scheme. Performs well compared to a planning scheme compliant scheme.

Planning Authority's Comments:

- Need to include daylight and sunlight assessment at application stage showing a representative sample of units.
- High quality public realm required in tall buildings so important that there is good sunlight / daylight to streets and spaces and no significant micro-climate issues.

Further ABP comments:

- Sunlight, daylight and micro-climate performance of streets and spaces, individual units and the impact on adjacent units will be important consideration at application stage.
- Important that the scheme supports a reasonable level of amenity for future residents and users of the scheme.

6. Open Space

ABP Comments:

- Submitted documents clearer in relation to open space.

Planning Authority's Comments:

- Clarity required in relation to communal areas in each block.
- Detail of management of Level 44 should be clarified in application.

Prospective Applicant's Comments:

- Important to recognise the quality of open spaces and landscaping. An emphasis on vertical greening at all levels with swathes of planting and greenery, terraces, and public gardens.
- Detail will be provided in relation to quantum and quality of spaces overall and by block at application stage.

7. Car Parking and Capacity of Transport Infrastructure (inc. increased footfall)

ABP sought further elaboration/discussion on:

- Car parking strategy.
- Capacity of infrastructure and services to accommodate development.

Prospective Applicant's Comments:

- The transport documents address many of the issues raised in relation to roads, footpaths and transport. There are a range of walkways provided for internally.
- A full pedestrian flow analysis will be carried out internally and externally.
- Application will show how proposed development will work in existing environment and in the future.
- The Salesforce site to the west includes 600 no. apartments and a further 500 no. apartments have been approved by ABP.
- This quantum of development granted has been absorbed within the Docklands area previously with no notable impact on services and facilities in the vicinity of those blocks/developments.

Planning Authority's Comments:

- Have regard to long term management of car parking. Car sharing should be provided.
- PA have concerns in relation to activity on surrounding roads and pathways, impacts on surrounding streets etc.
- Need to address services, refuse collection, etc.

Further ABP Comment.

- Perspective applicant should liaise with the PA to address the issues raised.

8. Any other matters**ABP sought further elaboration/discussion on:**

- Matters raised by PA in relation to the red line boundary and legal consents.

Prospective Applicant's Comments:

- All building within redline, no building proposed on public pavement.
- Will address PA concerns in application. Acknowledge PA control some of the lands but they are in the prospective applicants' ownership. Consents can be obtained from PA if required.

Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Tom Rabbette
Assistant Director of Planning
July, 2020