



An  
Bord  
Pleanála

## Inspector's Report ABP-304604-19 Supplementary

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| <b>Development</b>                  | Proposed amendments to the North Lotts and Grand Canal Dock SDZ Planning Scheme in relation to building heights. |
| <b>Location</b>                     | North Lotts and Grand Canal Dock, Dublin                                                                         |
| <b>Planning Authority</b>           | Dublin City Council                                                                                              |
| <b>Planning Authority Reg. Ref.</b> | n/a                                                                                                              |
| <b>Applicant(s)</b>                 | Dublin City Council                                                                                              |
| <b>Type of Application</b>          | Amendment of SDZ Planning Scheme                                                                                 |
| <b>Planning Authority Decision</b>  | n/a                                                                                                              |
| <b>Date of Site Inspection</b>      | 27 <sup>th</sup> February 2020                                                                                   |
| <b>Inspector</b>                    | Hugh D. Morrison                                                                                                 |

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## 1.0 Introduction

- 1.1. The extant Planning Scheme for the North Lotts and Grand Canal Dock Strategic Development Zone (SDZ) was made in May 2014, following modifications made by the Board with respect to the omission of local landmarks, which were considered to be too vague, and the omission of extra set back storeys from City Blocks 1 – 5 (inclusive) on the grounds of existing residential amenity.
- 1.2. As of March 2019, of the 20 non-water-based City Blocks in the SDZ, 11 have either been completed or substantially completed, 3 have commenced, and 6 have yet to commence<sup>1</sup>. In terms of delivery of development, permissions have been granted for over 2200 of the envisaged 2600 residential units, i.e. c. 85%, and permissions have been granted for 37,000 sqm in excess of the envisaged 366,000 sqm of commercial floorspace, i.e. 403,000 sqm. (This excess is the product of the utilisation of set back storeys and the expansion of building footprints arising from flexible building lines).
- 1.3. Under Section 170A(1) of the Planning and Development Act, 2000 – 2019, (hereafter referred to as the Act), Dublin City Council (hereafter referred to as the Planning Authority (PA)), as the Development Agency for the North Lotts and Grand Canal Dock Strategic Development Zone (SDZ), applied to the Board on 6<sup>th</sup> June 2019 to have the Planning Scheme (PS) for this Zone amended in relation to building heights.
- 1.4. The proposed amendments result from a review of the PS undertaken by the PA, as mandated by SPPR 3(B) of the Urban Development and Building Heights Guidelines (December 2018). This SPPR states that the development management scale criteria set out in these Guidelines must be fully reflected in any proposed amendments and that “In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme.”
- 1.5. The proposed amendments to the PS are briefly summarised under Section 2 of this report. Their effect would be to increase the projected commercial space by an additional 22,500 sqm and the number of residential units by 225 residential units.

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<sup>1</sup> One of the 6, City Block 3 was partially built before the SDZ, i.e. Block 3C, and another, City Block 6, was largely completed before the SDZ.

The former would represent a 6.1% increase<sup>2</sup> over the maximum of 366,000 sqm envisaged under the PS and the latter would represent an 8.6% increase over the 2600 residential units envisaged under the same.

- 1.6. Under Section 170A(4)(b), the Board decided on 26<sup>th</sup> September 2019 that the proposed amendments would constitute the making of a material change to the PS, but, critically, one which would fall within the criteria set out in Section 170A(3)(b).
- 1.7. Under Section 170A(7), the Board required the PA to notify the Minister and the prescribed bodies of the proposed amendments and to publicise the same in the press, along with accompanying reasons for these amendments and the arrangements whereby the public can view and comment upon them.
- 1.8. (Under Section 170A(6), the Board did not require that the proposed amendments be the subject of either an environmental report and SEA or NIS and AA).
- 1.9. Under Section 170A(9), the PA has submitted a report to the Board, which summarises the issues raised by those commenting on the proposed amendments. It has also responded to these comments.
- 1.10. Under Section 170A(10), the Board is now to have regard to this report in its decision, under Section 170A(4)(b) on the proposed amendments. This Section states the following:

*...(The Board) may approve the making of the amendment to the Planning Scheme with such amendment, or an alternate amendment, being an amendment that would be different from that to which the request relates but would not represent, in the opinion of the Board, a more significant change than that which was proposed.*
- 1.11. I will summarise the findings of the report and relevant planning policy and set out my assessment of the proposed amendments in the light of the same.

## 2.0 The proposed amendments

- 2.1. The proposed amendments to the Planning Scheme for the North Lotts and Grand Canal Dock SDZ are presented in Section 4 of the PA's document entitled "Review of Building Height and Proposed Amendments to North Lotts and Grand Canal Dock

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<sup>2</sup> As 403,000 sqm of commercial floorspace has been permitted, the additional 22,500 sqm now proposed would represent an increase of 5.58% on this figure.

Planning Scheme 2014” dated May 2019. Specifically, they are set out in detail under Section 4.2 under each of the sub-sections (1 – 10). Accordingly, I will summarise them briefly below using the corresponding notation, i.e. proposed amendments ref. nos. 1 – 10.

**Proposed amendment ref. no. 1**

- 2.2. Section 5.4.5 of the PS addresses “Height as part of the Urban Structure”. Under this Section, the door is opened to the inclusion of an additional storey on buildings, which would be set back 1.5m plus, subject to a shadow analysis and a compelling urban design rationale. City Blocks 1 – 5 (inclusive) were excluded from this provision. However, under proposed amendment ref. no. 1, this exclusion would be lifted and imposed only on landmark or local landmark buildings.

**Proposed amendment ref. no. 2**

- 2.3. Section 6.1.2 of the PS addresses “Providing co-ordinated delivery, requirements for each City Block”. The last paragraph in this Section relates to height. The first sentence in this paragraph states “...any new building or additional height to existing buildings shall relate to the prevailing height as set out in the relevant city block or adjacent blocks in the Development Code.” Under proposed amendment ref. no. 2, this sentence would be deleted in favour of the following one:

*The approved amended SDZ Planning Scheme has had full regard to the Planning Guidelines on Urban Development and Building Height 2018. As such, any proposed new building replacing an existing building or additional height to existing buildings shall be assessed in the context of the overall height in the approved amended SDZ Planning Scheme, which reflect the criteria set in the Building Height Guidelines.*

**Proposed amendment ref. no. 3**

- 2.4. Appendix 3 of the PS sets out a “Planning Scheme Compliance Matrix”. Under the second heading of this Appendix, “Compliance Statement”, the subject of “Providing co-ordinated delivery” is revisited and the same deletion and new insertion as set out under proposed amendment ref. no. 2 would be made.

**Proposed amendment ref. no. 4**

- 2.5. Proposed amendment ref. no. 4 refers to City Block 2, which is bound to the N by Sheriff Street Upper, to the E by New Wapping Street, to the S by Mayor Street

Upper, and to the W by Park Lane. The reference to temporary pavilion buildings in this Block would be deleted and extra height would be added to it as follows:

- Sub-block 2A in the NW corner would go from 6 storey commercial (com)/7 storey residential (res) to 8 storey com/10 storey res where it fronts onto Sheriff Street Upper,
- Sub-block 2B in the NE corner would go from 6 storey com/7 storey res to 12 storey res (local landmarks) in its NE and NW corners for no more than 1/3 of the length of this Sub-block's frontages, and
- Sub-block 2C in the SW corner would go from 6 storey com/7 storey res to 8 storey com/10 storey res over the central portion of its western side, i.e. it would be raised to the same height as this Sub-block's NW corner.

**Proposed amendment ref. no. 5**

2.6. Proposed amendment ref. no. 5 refers to City Block 3, which is bound to the N by Sheriff Street Upper, to the E by Castleforbes Road, to the S by Mayor Street Upper, and to the W by New Wapping Street. Extra height would be added to this City Block as follows:

- Sub-blocks 3A and 3B in the NW and NE corners would go from 6 storey com/7 storey res to 10 storey com/12 storey res (local landmarks) in their NW and NE corners, respectively, for no more than 1/3 of the length of the frontages of these Sub-blocks, and
- Sub-block 3F in the SE corner would go from 5 storey com/6 storey res to 8 storey com/10 storey res as a set back to its S side and SE corner. Its NE corner would go from 5 storey com/6 storey res to 10 storey com/12 storey res (local landmark) for no more than 1/3 of the length of this Sub-block's frontages.

2.7. A reduction in height would occur at Sub-block 3D, which would correspond with existing residential properties on the W side/SW corner of City Block 3, i.e. it would go from 5 storey com/6 storey res to 3 – 4 storey res.

### **Proposed amendment ref. no. 6**

- 2.8. Proposed amendment ref. no. 6 refers to City Block 7, which is bound to the N by Mayor Street Upper, to the E by New Wapping Street, to the S by North Wall Quay, and to the W by Park Lane. The following references would be deleted:
- 6 storey com/7 storey res in Sub-blocks 7C and 7D in the SW and SE corners of this City Block and their justification with respect to protected structures and Station Square,
  - 6 storey com/7 storey res in Sub-block 7D rising to 8 storey com fronting onto North Wall Quay with appropriate transition to protected structures, and
  - Temporary pavilions.
- 2.9. Extra height would be added to City Block 7 as follows:
- Sub-block 7B in the NE corner would go from 6 storey com/7 storey res to 8 storey com/10 storey res in a set back position from Mayor Street Upper with the additional storeys being sitting below a 35 to 45-degree inclined plane from the main parapets to the N, E, and W sides and the SW corner,
  - Sub-block 7C would go from 6 storey com/7 storey res to 8 storey com/10 storey res over the central portion of its W side for up to 40% of the frontage with Park Lane,
  - Sub-block 7D would go from 6 storey com/7 storey res to 8 storey com/10 storey res over the central portion of its minor NW element,
  - The E major element of Sub-block 7D would be extended into a gap adjoining it to the NW to provide an 8 storey com/10 storey res extension to this element i.e. it would be set back from the frontage to New Wapping Street and Sub-block 7B to the N, and
  - The SE corner of the E major element of Sub-block 7D would go from 6 storey com/7 storey res to 12 storey com/15 storey res (local landmark) for up to 25m along North Wall Quay and 40m along New Wapping Street.

### **Proposed amendment ref. no. 7**

- 2.10. Proposed amendment ref. no. 7 refers to City Block 9, which is bound to the N by Mayor Street Upper, to the E by North Wall Avenue, to the S by North Wall Quay,

and to the W by Castleforbes Road. Extra height would be added to this City Block as follows:

- Sub-block 9B in the NE corner would go from 6 storey com/7 storey res to 12<sup>3</sup> storey res (local landmark) in the NE corner of this Sub-block and it would extend along up to 30% of the Mayor Street Upper frontage and 25% of the North Wall Avenue frontage, and
- Sub-block 9D in the SE corner would go from 6 storey com/7 storey res to 22 – 25 storey res (“Liffey Gateway” landmark tower) in the SE corner of this Sub-block with floor dimensions of no more than 25m x 30m.

### **Proposed amendment ref. no. 8**

2.11. Proposed amendment ref. no. 8 refers to City Block 11, which is bound to the N by Sir John Rogerson’s Quay, to the E by Cardiff Lane, to the S by Hanover Street East, and to the W by Lime Street. Extra height would be added to this City Block as follows:

- Sub-block 11A in the NW corner would go from part 8 storey com/10 storey res and part 5 storey com/6 storey res to 10 storey com/12 storey res (local landmark) in the NW corner of this Sub-block for a length of no more than 1/3 of its frontages. (This local landmark was not recommended by Loci).

### **Proposed amendment ref. no. 9**

2.12. Proposed amendment ref. no. 9 refers to City Block 18, which is bound by Grand Canal Dock to the N and Ringsend Road to the S. This Block is largely composed of Dublin Bus’ Ringsend Depot. Extra height would be added to it as follows:

- Sub-blocks 18A and 18B on the W and E portions of City Block 18 would go from 6 storey com/7 storey res to 10 storey res (local landmarks) on the corresponding NE and NW corners of these two Sub-blocks for no more than 1/3 of their frontages.

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<sup>3</sup> Loci, the PA’s Urban Design, Planning, and Regeneration Consultants, recommended a 10 storey res local landmark.



### **Proposed amendment ref. no. 10**

2.13. Proposed amendment ref. no. 10 refers to City Block 19, which is triangular in shape. This City Block is bound to the E by the River Dodder, to the S by Bridge Street and to the W, partly by South Dock Road and partly by Grand Canal Dock. Extra height would be added to it as follows:

- Sub-block 19A in the N portion of City Block 19 would go from 5 storey com/6 storey res to 8 storey com/10 storey res (local landmark) at a point towards the N corner. (The remainder of this Sub-block would be retained at 5 storey com/6 storey res). (This local landmark was not recommended by Loci), and
- Sub-block 19B in the S portion of City Block 19 would go from 6 storey com/7 storey res to 8 storey com/10 storey res (local landmark) at its NW corner for no more than 1/3 of its frontages.

### **3.0 The Planning Authority's Report on the Public Consultation Exercise**

3.1. The PA received 29 valid submissions on the proposed amendments to the PS for the North Lotts and Grand Canal Dock SDZ. The PA has summarised these submissions and its response to them in a Report dated December 2019. I will draw upon this Report and the original submissions in setting out my own summary of these submissions and responses.

#### **(i) Joe O'Connor**

3.2. While increased heights are welcomed, the proposed amendments are far too cautious.

3.3. PA's response: The proposed amendments are based on sound urban design principles and they would allow for additional height in appropriate locations within the context of a PS which is largely built out.

#### **(ii) TII**

3.4. The proposed amendments would avoid adverse impacts upon the operation and safety of the LUAS.

3.5. PA's response: Noted.

**(iii) Eastern and Midland Regional Assembly (EMRA)**

- 3.6. The EMRA supports the proposed amendments, which would reflect both National Policy Objective (NPO) 13 of the National Planning Framework (NPF) and Regional Strategic Outcomes 1 & 2 of the Regional Spatial and Economic Strategy.

PA's response: Noted.

**(iv) Barry**

- 3.7. The proposed amendments would impose height limits and so they would contravene the Urban Development and Building Heights (UDBH) Guidelines.
- 3.8. PA's response: Section 4.10.3.2 of the PS identifies the key physical elements of the SDZ which underpin the coherent development of an urban structure of 5 hubs composed of smaller city blocks. Under Section 168(2)(c) of the Act, maximum heights were considered in making the PS. The proposed amendments revise these heights appropriately, within the context of the said urban structure. Furthermore, to fail to have maximum heights would have, potentially, adverse implications for third parties, who have no right of appeal.

**(v) Department of Education & Skills (DES)**

- 3.9. No comments to make.
- 3.10. PA's response: Noted.

**(vi) Pearse Sutton**

- 3.11. The proposed amendments would not comply with the NPF. An earlier submission to the DHPLG concerning the UDBH Guidelines is also referred to.
- 3.12. PA's response: The proposed amendments would be compliant with the NPF, cf. NPO 13. They would also be compliant with the said Guidelines, cf. Section 3.2.

**(vii) Office of Public Works (OPW)**

- 3.13. Attention is drawn to Objective W2 of the PS's SEA, which addresses flood risk.
- 3.14. PA's response: Noted.

**(viii) Coldwell Banker Richard Ellis (CBRE) Ireland**

- 3.15. In the light of the NPF, the UDBH Guidelines, and the strategic importance of the SDZ, the proposed amendments would represent a missed opportunity to raise heights and densify sufficiently.
- 3.16. PA's response: The proposed amendments would reflect the NPF, cf. NPO 13. They would also reflect the said Guidelines, cf. Section 3.2. Furthermore, city wide densification initiatives of the PA are referred to.

**(ix) Beauchamps**

- 3.17. The character of the SDZ could take greater height and density than would be achieved under the proposed amendments and this should happen to fulfil the Zone's potential and to avoid outward sprawl.
- 3.18. PA's response: Section 4.10.3.2 of the PS identifies the key physical elements of the SDZ which underpin the coherent development of an urban structure of 5 hubs composed of smaller city blocks. The proposed amendments revise these heights appropriately, within the context of the said urban structure. With respect to densification, under the PS, densities of up to 250 residential units per hectare have been achieved.

**(x) Society of Chartered Surveyors Ireland (SCSI)**

- 3.19. The proposed amendments are critiqued on the basis that the PA has not demonstrated how they would reflect the criteria set out in Section 3.2 of the UDBH Guidelines, e.g. there is no landscape and visual impact assessment of the additional heights. While proposed amendment ref. no. 1 is welcomed, the proposed restrictions on the height of landmark buildings is questioned in the light of the said Guidelines and in the absence of a justification for the same.
- 3.20. PA's response: Attention is drawn to Loci, Urban Design, Planning, and Regeneration Consultants, who reviewed the PS in the light of the UDBH Guidelines. They justified the location and scale of the landmark buildings, within the context of the PS's coherent place making approach, and these buildings were the subject of shadow analysis.

**(xi) Kennedy Wilson Europe Ltd**

- 3.21. Supports the proposed amendments with respect to City Block 3.

3.22. PA's response: Noted.

**(xii) Knight Frank**

3.23. The proposed amendments would fail to reflect the NPF's objectives with respect to height and density near to transport hubs and so they would result in a lack of supply of housing and offices, with attendant implications for private car use and the quest to tackle climate change.

3.24. PA's response: The proposed amendments would reflect the NPF and the UDBH Guidelines, cf. Section 3.2 and the modulation of building heights. Attention is drawn to Loci, who reviewed the PS in the light of the UDBH Guidelines. They justified the location and scale of the landmark buildings, within the context of the PS's coherent place making approach, and these buildings were the subject of shadow analysis.

**(xiii) The Department of Housing, Planning, and Local Government (DoHPLG)**

3.25. Welcomes the review of the PS, notes the success of the SDZ, and requests that the Board assesses the proposed amendments in the light of Section 3.2 of the UDBH Guidelines.

3.26. PA's response: Noted.

**(xiv) Dublin Chamber of Commerce**

3.27. Proposed amendments lack ambition and would fail to realise the SDZ's floorspace potential.

3.28. PA's response: The proposed amendments are based on sound urban design principles and they would allow for additional height in appropriate locations within the context of a PS which is largely built out. Furthermore, city wide densification initiatives of the PA are referred to.

**(xv) Waterways Ireland (WI)**

3.29. While the proposed amendments for City Block 19 are supported, the view is expressed that the island-like location of this Block provides scope for greater height again. Flexibility in the siting of the landmark buildings in Blocks A and B is requested to allow designs to reflect the heritage of the graving docks.

PA's response: The landmark building in Block A would be sited adjacent to the confluence of the River Dodder and the Grand Canal Dock. Its siting would be

consistent with the achievement of conservation objectives for the graving docks. Likewise, the landmark building would be sited well in relation to the Grand Canal Dock and its impact upon amenities. Nevertheless, the dashed lines around these Blocks allows for a degree of flexibility in their exact sitings.

**(xvi) Association of Consulting Engineers of Ireland**

- 3.30. The proposed amendments would not comply with the NPF and the UDBH Guidelines. The view is expressed that remaining sites in the SDZ should be developed to their maximum in the interests of sustainability.
- 3.31. PA's response: The proposed amendments would comply with the NPF, cf. NPO 13, and the UDBH Guidelines, cf. Section 3.2 and the modulation of building heights. They would also ensure that additional residential and commercial floorspace is provided while maintaining a coherent urban structure.

**(xvii) National Asset Management Agency (NAMA)**

- 3.32. The view is expressed that the island-like location of City Block 19 is such that it could be developed to a height in excess of that shown in the proposed amendments. Attention is drawn to Figure 18 of the PS, which identifies the Dry Dock as a new potential landmark site, and attention is also drawn to a visual assessment undertaken by NAMA, which indicates that a tower of up to 30 storeys/ 120m high could be sited in the SW corner of Block A (instead of towards its N corner) and adjacent to the proposed landmark building in Block B (cf. Page 22 of NAMA's submission). Elsewhere in Block A, building heights of 8 storeys instead of 5 should be proposed, with 7 storeys adjoining the Camden Lock Development to the S.
- 3.33. PA's response: While there is some scope for height in City Block 19, this is limited by the presence of housing to the east and the fact that this Block is not in a hub. Thus, NAMA's visual assessment *per se* is too limited, i.e. any high building would need to be the subject of Specific Assessments under Section 3.2 of the UDBH Guidelines and Appendix 5 of the PS. Furthermore, the height of building proposed would be out of scale and it would be at variance with the character of City Block 19 as a conservation area under the Dublin City Development Plan 2016 – 2022 (CDP). Instead, the PA proposes 2 landmark buildings of 10 storeys, which would present a sense of enclosure on the eastern side of Grand Canal Dock.

3.34. NAMA's requested 8 storeys would be too much for City Block 19 within its context, e.g. it would risk the creation of a visual slab. Also, the envisaged proximity of the two landmark buildings would risk adverse amenity impacts of one upon the other. Thus, it would fail criterion in Section 3.2 of the UDBH Guidelines with respect to scale at the levels of district/neighbourhood/street and site/building, respectively.

**(xviii) Cushman and Wakefield**

3.35. Given the changes in the economy since 2014, the proposed amendments would allow insufficient density.

3.36. PA's response: Loci's review of the PS states that density does not necessarily equate to greater height. Nevertheless, the proposed amendments would allow increases in height that would provide opportunities for additional residential and commercial floorspace within the context of a coherent urban structure. Furthermore, city wide densification initiatives of the PA are referred to.

**(xix) Irish Life Assurance PLC & Irish Property Unit Trust PLC**

3.37. The proposed amendments would represent a missed opportunity: Locations for additional height are limited and already developed sites should be revisited. A blanket height restriction would, effectively, be retained.

3.38. PA's response: The proposed amendments would reflect the UDBH Guidelines, the built context, and existing uses. Accordingly, a blanket approach would not be adopted. Furthermore, proposed amendment ref. no. 2 would address scenarios wherein existing buildings are proposed for replacement.

**(xx) Owen Reilly**

3.39. While overall the proposed amendments would lack ambition, those for a waterfront landmark building in City Block 9 are supported.

3.40. PA's response: Proposed amendment ref. no. 7 is specifically referred to: This building would complement that which has already been built in City Block 15.

**(xxi) Kevin Roche John Dinkeloo & Associates LLC (KRJDA)**

3.41. The proposed amendments would be minor: Office floorspace needs to be large and continuous with circulation spaces and so additional floors would need to be more extensive.

3.42. PA's response: The proposed amendments have been informed by the context of existing development to date in the SPZ. The existing PS reflects the considerations cited by KRJDA.

**(xxii) Finnegan Menton Property Consultants**

3.43. Loci's review of the PS is critiqued on the grounds that it omitted reference to access to public transport and enhancement of the urban design context (cf. Section 3.2 of the UDBH Guidelines).

3.44. PA's response: While Loci's review was an input to the proposed amendments, it was not the subject of the public consultation exercise required by the Board. (Ultimately, these amendments represent modifications on the recommendations that ensued). Nevertheless, references in this review to public transport are cited, as are various initiatives to improve connectivity within the SDZ and to public transport hubs. Likewise, references in it to objectives and criteria relating to the enhancement of urban design are cited.

**(xxiii) Damien Byrne**

3.45. The proposed amendments would fail to maximise building heights.

3.46. PA's response: The proposed amendments reflect both the existing coherent urban structure of the SDZ and the criteria set out in Section 3.2 of the UDBH Guidelines.

**(xxiv) IDA Ireland**

3.47. Foreign Direct Investment (FDI) would be promoted by maximising height, density, and flexibility. Proposed amendments ref. no. 1 and refs. nos. 2 & 3 are, thus, critiqued. In relation to the former, Section 5.4.5 of the PS would not comply with the UDBH Guidelines and the proposed replacement sentence should be extended by the words in italics: "This provision does not apply to any landmark or local landmark buildings *where additional storeys or exceptional setbacks may be considered acceptable.*" In relation to the latter, the reference to "overall height" needs clarification, as does how an assessment would be undertaken in this respect, e.g. citation of the criteria set out in Section 3.2 of the UDBH Guidelines. The retention of maximum heights would be contrary to SPPR 1 of these Guidelines.

3.48. PA's response: The suggested addition in italics to Section 5.4.5 of the PS would contradict the intention of the sentence in question, i.e. the non-applicability of an

additional setback storey to landmark buildings. “Overall height” refers to the site context and relationships with other existing buildings, including any designated landmark buildings. The view is expressed that, since the review is under SPPR 3 of the UDBH Guidelines, SPPR 1 would be met.

**(xxv) O’Flynn Group**

- 3.49. The NPF supports increased heights and densities, both of which would be ideal in the SDZ.
- 3.50. PA’s response: The proposed amendments would increase heights in accordance with the UDBH Guidelines and they would lead to the densification of the SDZ.

**(xxvi) Ciaran Cuffe MEP**

- 3.51. Local residents were insufficiently consulted. If the PS is amended at the Minister’s request, then that would usurp the PA’s function. Any increase over 6 storeys should be accompanied by a fire safety impact assessment. Specifically, with respect to proposed amendments ref. nos. 4 & 5, additional storeys onto Sheriff Street should be omitted in the interest of residential amenity, and, with respect to proposed amendment ref. no. 10, the increased footprint should be omitted as it would adversely affect the setting of City Block 19 and nearby public open space.
- 3.52. PA’s response: The proposed amendments were the subject of both an informal public consultation exercise and a formal one. Ample opportunity for submissions has thus been given. In relation to proposed amendments ref. nos. 4 & 5, these are addressed in the Loci review, i.e. Block 2A would be set back from Sheriff Street and Block 2B would reflect the height of nearby buildings, and, Blocks 3A and 3B would be justified, on urban design grounds, by their settings. In relation to proposed amendment ref. no. 10, attention is drawn to the flexible building lines that accompany City Block 19 and the PS’s continuing public realm requirements for the graving docks and quays.

**(xxvii) Ronan Group Real Estate and Colony Capital**

- 3.53. The proposed amendments would not comply with the NPF or the UDBH Guidelines. The view is expressed that these amendments would significantly increase the “floor area or density of proposed development” and so, under Section 170A(3)(a) of the Act, they should be the subject of the provisions of Section 169.



- 3.54. The robustness of the PA's review is challenged. In this respect, Loci's advice to the PS is critiqued on the basis that it does not consider criterion set out under Section 3.2 of the said Guidelines, i.e. in relation to (a) proximity to public transport, (b) enhancement of urban design context and location in respect of significant water bodies, and (c) visual impact assessment. In this respect, too, the restrictions on height that would persist in the SDZ are contrasted with the surrounding area and so the view is expressed that the proposed amendments would not realise the Zone's full potential for height and density and so unsustainable car-based urban sprawl would be exacerbated.
- 3.55. Furthermore, a legal opinion is given that, the PA's review, which is based on Loci's advice, is overly concerned with maintaining the approach of the original PS, instead of the requirement, under SPPR 3(B) of the UDBH Guidelines "to give effect to Government Policy and to reflect the criteria under Section 3.2 of the Guidelines in the Planning Scheme."
- 3.56. Specific critiques of proposed amendments ref. nos. 6 and 7 are set out. In relation to the former, the proposed addition height for City Block 7 cannot be reconciled with the siting of the cores of the Salesforce Tower presently under construction, and, in relation to the latter, City Block 9 is the sole remaining undeveloped waterfront site and so it represents a major opportunity.
- 3.57. PA's response: Attention is drawn to the projected effect of the proposed amendments, i.e. the provision of an additional 22,500 sqm of commercial space and 225 residential units. The former would represent a 6.1% increase over the maximum of 366,000 sqm envisaged under the PS and the latter would represent a 8.6% increase over the 2600 residential units envisaged under the same. These increases are not considered to be material and so the PA agrees with the Board's decision to assess the proposed amendments under Section 170A of the Act.
- 3.58. Attention is drawn to different parts of Loci's report to counter the contention that consideration of certain relevant criterion was omitted.
- 3.59. The proposed amendments were prepared in response to the UDBH Guidelines and in the light of the following considerations:

- Examples of high buildings are cited, which have been constructed or which are under construction, and yet they do not fully reflect the maximum height provided for by the extant PS, i.e. in height terms, they are sub-optimal,
- Examples of high buildings are cited, which although permitted, were never constructed. The PA thus seeks to be realistic,
- An example of a high building outside the SDZ is cited, i.e. the 22-storey tower on Tara Street, and yet this reflected the provisions of the LAP,
- As the SDZ combines offices and homes, residential amenity considerations have a bearing on height, and
- The SDZ comprises a largely pre-existing network of streets, which influences building lines and perimeter block sizes and hence achievable heights.

3.60. Attention is drawn not only to the recommendations of Loci's Report, but to the additional amendments that the PA brought forward for City Blocks 9, 11, and 19, under proposed amendments ref. nos. 7, 8, and 10.

3.61. In relation to proposed amendment ref. no. 6, significant additional height would be incorporated within City Block 7. The utilisation of this height, in practice, would be a question of design and internal configuration. In relation to proposed amendment ref. no. 7, the PA recognises the potential of City Block 9 in its identification of local and tower landmarks for this Block, i.e. 12-storey res and 22 – 25 storey res, respectively.

**(xxviii) Balark Trading GP Ltd**

3.62. Attention is drawn to City Block 11 and the observation is made that adjacent sites outside the SDZ have the opportunity, under the UDBH Guidelines, to be developed to a greater height than ones within. The PA's approach to the review of the PS is too limited, i.e. the height restrictions of the CDP are applied, and so the Board should require a more thorough going review under Section 169 of the Act. Loci did not utilise the criteria set out under Section 3.2 of the UDBH Guidelines. Specifically, in relation to City Block 11, a building height to the quayside of at least 11 storeys (+ 1 storey set back) should be allowed. The requirement that the local landmark building be restricted to 1/3 of Block A's frontages should also be relaxed, as it would not be

viable. Elsewhere, the residential blocks in City Block 11 should be at least 8 storeys high.

- 3.63. PA's response: Attention is drawn to the fact that much of City Block 11 is either already built out or it is under construction and so the proposed amendments to it take cognisance of this. The Board has determined that the proposed amendments fall within Section 170A of the Act rather than Section 169. Loci did use the criteria set out under Section 3.2 of the UDBH Guidelines. The proposed amendments for City Block 11 take into account, too, the relative narrowness of Lime Street and the presence of existing housing opposite and specific factors relating to Sir John Rogerson's Quay, e.g. a nearby protected structure. Thus, comparisons with other quayside locations may not be valid. Viability/feasibility concerns have not been sufficiently elucidated and the requested 8 storeys has not been subject to any constraints analysis and would *prima facie* be excessive.

**(xxix) Marie O'Reilly**

- 3.64. Attention is drawn to the PS, which is a legally binding contract between developers, the PA, and the local community. This PS was comprehensive in its approach. To now amend one aspect of it, goes against the requirements of the SDZ designation. Specifically, proposed amendment ref. no. 6 would entail additional storeys to the Mayor Street Upper frontage, opposite a terrace of dwelling houses, the residential amenities of which would, as a result, be impacted upon.
- 3.65. PA's response: The status of the PS is acknowledged. However, SPPR 3 of the UDBH Guidelines mandates its review. Proper procedures have been adhered to in this respect and the review has not considered height in isolation, but rather in the context of the existing built environment. The specific impact of the proposed additional storeys to Block 7B would be eased by their set back positions.

**The Planning Authority's overall response**

- 3.66. The PA's overall response to the submissions received was to conclude that no changes are needed to the proposed amendments.

## 4.0 Planning policy

4.1. The National Planning Framework sets out National Planning Objectives (NPO).

NPO 13 states the following:

*In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

4.2. The Eastern and Midlands Regional Authority has approved a Regional Spatial and Economic Strategy, which sets out 16 Regional Strategic Outcomes, the first and second of which are set out below:

*Better manage the sustainable and compact growth of Dublin as a city of international scale...*

*Promote the regeneration of our cities...by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.*

4.3. The Urban Development and Building Heights Guidelines set out 4 Specific Planning Policy Requirements (SPPRs). The third of these states the following:

*It is a specific planning policy requirement that where;*

*...(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme...*

The criteria thus cited is set out in the preceding Section 3.2 of the Guidelines. I will cite relevant criterion from these criteria in my assessment.

4.4. The Planning Authority's city-wide development plan is the Dublin City Development Plan 2016 – 2022 (CDP). This Plan discusses building heights. Relevant extracts on this subject are set out below.

- In chapter 4, entitled “Shape and Structure of the City”, the following policies:

*SC16: To recognise...the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant...SDZ...*

*SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city...In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic square and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.*

*SC18: To promote a co-ordinated approach to the provision of taller buildings through...SDZs...in order to prevent visual clutter or cumulative negative visual disruption to the skyline.*

The accompanying commentary discusses the need to cluster taller buildings (over 50m) to promote significant densities of commercial and residential floorspace. The North Lotts and Grand Canal Dock SDZ is specifically cited in this respect.

Figure 4, entitled “Key Views and Prospects (Indicative)”, identifies views from the south quays westwards towards the Customs House and northwards along Fitzwilliam Street, which have a bearing or a potential bearing on development within the SDZ.

- In chapter 15, entitled “Strategic Development and Regeneration Areas: Guiding Principles for Development”, the North Lotts and Grand Canal Dock Planning Scheme 2014 is summarised.

4.5. In Chapter 16, entitled Development Standards: Design, Layout, Mix of Uses and Sustainable Design”, building height in a sustainable city is discussed. “Higher buildings” are defined as being mid-rise and high-rise, i.e. up to 50m and over 50m, respectively. Low-rise is up to 28m commercial and up to 24m residential in the inner

city. (Within 500m of existing/proposed transport hubs, low-rise is up to 24m for either commercial or residential).

## 5.0 Assessment

Prompted by SPPR 3(B) of the UDBH Guidelines, the PA has brought forward proposed amendments to its existing PS for the North Lotts and Grand Canal Dock SDZ, which dates from 2014. Under this SPPR, these amendments fall to be assessed under the Development Management Criteria set out under Section 3.2 of these Guidelines.

### Section 3.1 of the UDBH Guidelines

- 5.1. Preceding the Development Management Criteria, under Section 3.1 of the UDBH Guidelines, three broad Development Management Principles are set out. The first of these principles enquires as to whether the proposed amendments would effectively support the NPF's strategy of compact growth and the third enquires as to whether it can be demonstrated that any operative planning scheme does not align with this Framework's objectives. (The second of these principles is not applicable, as it refers to plans that have been made since the said Guidelines were published in December 2018).
- 5.2. In relation to the **first** of these principles, the PA advises that the quantum of development under its PS is at an advanced stage with 2200 of the envisaged 2600 residential units permitted and 403,000 sqm of commercial floorspace, i.e. 37,000 sqm in excess of the 366,000 sqm envisaged, permitted. In relation to residential densities, the PA reports that up to 250 residential units per hectare has been achieved. In Chapter 5 of the NPF, Dublin Docklands is described in a case study as being "a world-class city quarter and paragon of sustainable inner city regeneration". Its contribution towards compact growth is thereby recognised.
- 5.3. In relation to the **third** of these principles, many of those making submissions to the PA's public consultation exercise draw attention to NPO 13 of the NPF. This NPO is set out in Chapter 5, which is entitled "Making Stronger Urban Places", under Section 4.5, which is entitled "Achieving Urban Infill/Brownfield Development", and under a heading, which states "Performance-Based Design standards". It states that building height standards "will be based on performance criteria that seek to achieve

well-designed high-quality outcomes in order to achieve targeted growth.” Underlying this Objective is a move away from general restrictions on building height, which may not be applicable in all circumstances in urban areas. In situations where the existing character of land use may be subject to change, an overall area plan or masterplan is envisaged for this more dynamic approach.

5.4. Under Section 168(2) of the Planning and Development Act, 2000 – 2019, a planning scheme shall indicate the manner in which it is intended that a SDZ will be developed. In this respect, such a scheme *shall* relate to, amongst other things, item (c), i.e. “proposals in relation to the overall design of the proposed development, including the maximum heights, the external appearance of structures and the general appearance and design”.

5.5. The operational PS for the North Lotts and Grand Canal Dock SDZ, duly reflects Section 168(2)(c) and states the heights of sub-blocks within the City Blocks composed in this Zone. Figure 35 of the PS provides an overview in this respect and the accompanying Sections 4.10.6 & 7, entitled “Height in SDZ” and “Challenges/Way Forward”, discuss the question of building height and make proposals, respectively. Thus, while a range of 5 – 8 storeys com/6 – 10 storeys res are generally the maximum heights envisaged<sup>4</sup>, exceptions are cited for 4 of the 5 hubs as follows:

- 22 storeys at The Point and 11<sup>5</sup> storeys at Station Square, both of which are particularly accessible as a result of existing/proposed public transport nodes,
- 22 storeys at Britain Quay at the eastern end of the southern quays (in the SDZ), and
- 15 storeys at Boland Mills, where there is precedent for height by virtue of the historic presence of silos.

Given item (c) and indeed all the provisions of Section 168(2) and their application in the said PS, I consider that it functions as a masterplan for the SDZ.

5.6. The PA, in reviewing its PS, has appointed Loci, Urban Design, Planning and Regeneration Consultants, to advise it. Loci’s subsequent report sets out a response

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<sup>4</sup> Plus, a further set back storey option in City Blocks 6 – 20 (inclusive).

<sup>5</sup> Height here is limited, due to Georgian mile vista from along Fitzwilliam Street to the SSW.

to NPO 13's emphasis on the need for performance-based design standards by drawing up its own performance criteria for urban scale and building height. The content of these criteria is shaped by relevant national planning guidelines, including the UDBH Guidelines, the CDP and the PS, and best practice in urban design. They are then used to assess the current PS and to identify the vast majority<sup>6</sup> of the resulting proposed amendments to it. These amendments are shown on Figure 23 of the report, which is directly comparable to Figure 35 in the extant PS.

- 5.7. The UDBH Guidelines were thus one of a number of sources<sup>7</sup> that shaped the preparation of Loci's performance criteria for urban scale and building height. Several of the submissions received by the PA criticise these criteria for not being exclusively shaped by the UDBH Guidelines. I consider that such criticism only stands if the resulting proposed amendments fail to comply with Section 3.2 of these Guidelines.
- 5.8. I consider that Loci's performance criteria for urban scale and building height reflect the "performance criteria" required under NPO 13 of the NPF. They also provide a basis upon which to bring forward the proposed amendments to the PS, which is reasonable and commensurate to the quest under SPPR 3(B) of reviewing the PS, which is, as noted above, effectively a masterplan for the SDZ. In these circumstances, that the application of maximum heights re-emerges from this approach is, subject to compliance with Section 3.2 of the UDBH Guidelines, no criticism of it. The authorisation of such heights by Section 168(2)(c) of the Act is thereby reaffirmed.

### **Section 3.2 of the UDBH Guidelines**

- 5.9. Turning then to Section 3.2 of the UDBH Guidelines, the Development Management Criteria set out apply at the following 3 scales (levels):
- the relevant city/town,
  - district/neighbourhood/street, and
  - site/building.

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<sup>6</sup> The exceptions are proposed amendments: ref. no. 7 (with respect to the height of the local landmark in Sub-block 9B), ref. no. 8 (with respect to the addition of a local landmark to Sub-block 11A) and ref. no. 10 (with respect to the addition of a local landmark Sub-block 19A).

<sup>7</sup> Refer to Appendix C of Loci's Report.



**(a) At the scale of the relevant city/town**

5.10. Under the above heading, 3 criteria are set out. The **first** is as follows:

*The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

5.11. At present the SDZ is served by commuter rail, Luas, and bus services.

- Commuter rail services are available at the Docklands Railway Station on the northern side of Sheriff Street Upper and the Grand Canal Dock DART Station towards the southern end of Barrow Street, i.e. they abut the northern and southern boundaries of the SDZ, respectively.
- Luas Red Line services attend a stop on Mayor Street Upper adjacent to Station Square and the eastern terminal stop on this Street in The Point Square. This Line has a stop at Busaras, which is also conveniently placed for Connolly Railway Station. It also has a stop on Lower Abbey Street, which is conveniently placed for the Luas Green Line.
- Dublin Bus has its Ringsend Garage in City Block 18 within the SDZ and it operates several routes along the adjoining Ringsend Road/Pearse Street.

In the future, in the event that the DART underground project proceeds, then a new DART Station would be constructed to serve the same either in or in the vicinity of Spencer Dock, i.e. City Block 7 of the SDZ. This project would provide connectivity between Connolly and Euston Railway Stations. Likewise, a public transport bridge is proposed for over the River Dodder, which would link York Road with Britain Quay. In the light of these considerations, the above cited first criterion would be met.

5.12. The **second** and **third** criteria state the following:

*Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered architect.*

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using*

*massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

- 5.13. Figure 28 of the PS depicts the existing and the proposed public realm within the SDZ. The former public realm comprises existing streets, squares, and quay/dock sides. The latter public realm comprises the vast majority of the existing public realm and new streets and public parks/squares within City Blocks.
- 5.14. Under the extant PS, the scale and height of sub-blocks selected for each of the City Blocks has been informed by the presence of the existing/proposed public realm. Under the proposed amendments, the proposed public realm would remain virtually constant<sup>8</sup> and so the second criterion invites an examination of whether these amendments would successfully integrate into/enhance the character of this public realm. The third criterion invites an examination as to whether these amendments would make a positive contribution to place-making.
- 5.15. Insofar as these amendments would affect the scale and height of sub-blocks, they can be categorised as follows:
- Ones that would entail an additional storey(s) that would be set back from the street front and so would be either completely or substantially out of sight from the public realm,
  - Ones that would entail additional storeys on the street front and so they would be visible from the public realm, and
  - Ones that would entail local/tower landmarks and so they would be visible from the public realm.

Clearly, the second and third categories are of relevance.

- 5.16. With respect to the second category, in City Block 2, the northern portion of Sub-block 2A would be raised by 2 storey com/3 storey res, as would the central western portion of Sub-block 2C. In the former case, the Sub-block would be set back from the street front to align with the existing sub-block to the west and so there is scope to accommodate the additional height. In the latter case, the Sub-block would correspond to the existing sub-block to the west, on the opposite side of Park Lane,

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<sup>8</sup> At the margin some slight contraction is envisaged in City Block 19.

and it would “step-up” to the higher southern side of this Sub-block. Greater consistency of built form would ensue along with a marginal increase in enclosure.

- 5.17. In City Block 7, the central portion of Sub-block 7C and the central portion of the minor element to Sub-block 7D would each be raised by 2 storey com/3 storey res. The former Sub-block is bound by Park Lane to the west and the latter Sub-block would be adjacent to and visible from Station Square. Greater variety of built form would ensue adding to the visual interest attendant upon this Square.
- 5.18. With respect to the third category, local landmarks would be added, typically, to the corners of Sub-blocks. Thus, along the southern side of Sheriff Street Upper 4 x 12 storey res local landmarks<sup>9</sup> are proposed for City Blocks 2 and 3. Two of these landmarks would also be at the northern end of New Wapping Street, where it meets Sheriff Street Upper. During my site visit, I observed several existing local landmarks on Sheriff Street Upper. Thus, in the NW corner of the junction formed by this Street and New Wapping Street/East Road, lies an 11 storey res building and in the SW and SE corners of the junction formed by this Street and Castleforbes Road lie 10 storey res buildings. These buildings punctuate the progression of Sheriff Street Upper and, in the latter two cases, they relieve the commonality of height along the southern side of this Street. They also highlight their respective junctions. I, therefore, consider that the 4 additional landmarks now proposed would have similar beneficial affects upon the public realm and they would contribute to the creation of a greater sense of place.
- 5.19. Also, in City Block 3, a 10 storey com/12 storey res local landmark would be added to the NW corner of Sub-block 3F, which would be adjacent to the eastern side of a proposed square. This landmark would serve as a focal point to this square, which would be surrounded on three of its four sides by significantly lower blocks.
- 5.20. In City Block 7, Sub-block 7D would have a local landmark, i.e. a 12 storey com/15 storey res building, which would be sited in its SE corner beside the junction between North Wall Quay and New Wapping Street. This landmark would denote the location of this junction and the proposed re-sited position of a pedestrian/cyclist bridge across the River Liffey.

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<sup>9</sup> Two of these could be 10 storey com.

- 5.21. The aforementioned bridge is the subject of another amendment to the PS, i.e. ABP-305317-19, which is presently the subject of a PA public consultation exercise. A similar amendment was turned down by the Board, i.e. PL29N.ZE0006. Insofar as part of the rationale for the said local landmark relates to the current bridge amendment being accepted, I consider that it would be premature. That said, during my site visit, I observed that the emerging SDZ block profile on the northern quays differs from that on the southern quays, where building heights are similar, apart from at the eastern extremity. By contrast, the northern quays have a varied skyline borne of the interplay between retained historic quayside buildings and the intermingling of modern buildings, which include The Convention Centre and The Central Bank of Ireland. Within this context, I consider that the proposed introduction of a local landmark would add to the existing pattern of variety and its attendant visual interest and appeal. These aspects of the public realm of the quayside and its sense of place would thus be reinforced. I, therefore, consider that this local landmark can be accepted on aesthetic grounds, thereby leaving to one side the outstanding question of whether or not the said bridge should be re-sited.
- 5.22. In City Block 9, a major landmark would be introduced in the form of a 22 – 25 storey res tower, denoted as the “Liffey Gateway”. This tower would be sited in the SE corner of Sub-block 9D and it would correspond with the existing highest building at Britain Quay, Capital Dock Tower, on the southern side of the River. It would counter balance this existing tower and so they would be symmetrical and highly visible, especially from the River Liffey and its quaysides.<sup>10</sup> Together, these two towers would add drama to the user experience of the quayside public realm and they would establish a heightened sense of place for the overall SDZ.
- 5.23. In City Block 9, Sub-block 9B would have a local landmark, i.e. 12 storey res,<sup>11</sup> added to its NE corner, which would mark the SW corner of the Point Square. This local landmark would correspond to an existing 11 storey building opposite, which marks the NW corner of the said Square. They would thus punctuate its western corners and so define further the space enclosed therein. The public realm would benefit accordingly and a clearer sense of place would ensue.

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<sup>10</sup> Refer to Figure 21 of Loci's Report.

<sup>11</sup> Loci recommended an 8 storey com/10 storey res local landmark.

- 5.24. In City Block 11, Sub-block 11A would have a local landmark, i.e. 12 storey res/10 storey com, added to its NW corner, which lies beside the junction between City Quay and Lime Street. This local landmark was not recommended by Loci. Nevertheless, it would lie at the western extremity of the SDZ on the southern quays and so it would both highlight the aforementioned junction and the commencement of the SDZ. It would also introduce some uplift to the largely uniform skyline of the blocks on the southern quays. Visual interest attendant upon the public realm would increase and a greater sense of place would ensue.
- 5.25. In City Block 18, Sub-blocks 18A and 18B would have two corresponding local landmarks, i.e. each 10 storey res, in the NE and NW corners of these Sub-blocks and in positions beside the southern quayside to the Grand Canal Dock. These local landmarks would punctuate the skyline of this southern quayside, which has a part 14/part 16 storey building at its western end. In City Block 19, Sub-block 19B would have a local landmark, i.e. 8 storey com/10 storey res, in the SE corner of the Grand Canal Dock, thus further punctuating the said skyline. Visual interest attendant upon the public realm opposite, on Hanover Quay, would be increased thereby and a greater sense of place would ensue.
- 5.26. In triangular City Block 19, Sub-block 19A would have a local landmark, i.e. 8 storey com/10 storey res, sited towards its northern corner. This local landmark was not recommended by Loci. The PA's selected siting of it appears to have been influenced by Figure 18 of the PS entitled Views and Vistas, i.e. viewing cone of the Sugar Loaf from point no. 2 on the North Wall Quay and viewing cones of the Pigeon House chimneys from points nos. 4 and 9 forward of the Bord Gais Theatre. Other constraints on siting result from the proximity of the historic graving docks and the Camden and Buckingham Locks between the Grand Canal Dock and the River Dodder. Accordingly, I consider that, notwithstanding several submissions, this siting would be inelastic and so, if this local landmark is to be accepted, then its identified siting is the appropriate one for it.
- 5.27. City Block 19 lies at the eastern end of Grand Canal Dock. Under the extant PS, the Sub-block 19A would be 5 storey com/6 storey res. The local landmark would provide a focal point to this Sub-block, which would add visual interest to short and middle distance views of the same from Hanover Quay and Grand Canal Quay, respectively.

5.28. In applying its performance criteria for urban scale and building height to the existing PS and in bringing forward the vast majority of the proposed amendments, Loci have undertaken landscape and visual assessments. Its report also includes illustrations of 3-D models of the proposed amendments in-situ.

5.29. In the light of the above discussion, I consider that the proposed amendments would meet the second and third criteria of the higher level scale set out in Section 3.2 of the UDBH Guidelines.

**(b) At the scale of district/neighbourhood/street**

5.30. Turning to the middle level scale pertaining to district/neighbourhood/street, the following five criteria are set out under this heading:

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*
- *The proposal is not monolithic and avoids long/uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered.*
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*
- *The proposal positively contributes to the mix of uses and/or building/dwelling typologies available in the neighbourhood.*

5.31. I note that some of these criteria are more general and some are more specific in what their subject matter. I note, too, that with respect to the more general there is overlap with the discussion of the second and third criteria that are applicable to the preceding higher level.

5.32. With respect to the **first** of the above criteria, in the light of my conclusion on the second and third criteria applicable at the higher level, I consider that the proposed amendments would meet this criterion.

- 5.33. With respect to the **second** of the above criteria, the proposed amendments would generally introduce a greater degree of variety into the emerging built form of the SDZ. The risk of monolithic forms would arise, in the case of Sub-block 2A along its front elevation onto Sheriff Street Upper, and in the case of Sub-block 7D along its western elevation. In the former case, this risk would be capable of being mitigated by good design and a high specification of finishing materials. In the latter case, in addition to such mitigation, the presence of a part 3/part 4 storey former British Rail Hotel (RPS ref. no. 5838) to the west of the elevation in question limits views of it from the public realm on North Wall Quay.
- 5.34. Under submission (xvii), Sub-block 19A was the subject of a specific request that it be raised from 5 storey com to 8 storey com. The PA responded to this request by expressing concern that it would risk the creation of a visual slab and so fail the criterion in question. During my site visit, I observed that this Sub-block would be on the western side of the River Dodder from existing blocks of 4-storey housing on the eastern side and so with extensive additional height the residential amenities of this housing would be increasingly affected.
- 5.35. With respect to the **third** of these criteria, the proposed amendments would entail the addition of 12 local landmarks and 1 tower. Four of the local landmarks would be on Sheriff Street Upper and 1 would be on Mayor Street Upper/The Point Square, i.e. key E/W thoroughfares. A further two and the tower would be on the quays and so they would be on key E/W thoroughfares and the SDZ water fronts onto the River Liffey. Four more local landmarks would be onto the Grand Canal Dock and the remaining one would be adjacent to a proposed public realm square and attendant routes. These landmarks and tower would contribute to an enhanced sense of scale and enclosure in the SDZ and so the criterion in question would be met. They would not raise any new flooding issues for the SDZ.
- 5.36. With respect to the **fourth** of these criteria, again, the proposed amendments would entail the addition of 12 local landmarks and 1 tower. These landmarks and tower would, as discussed under the third criterion higher level, contribute to a greater sense of place throughout the SDZ and they would, by the same, token improve the legibility of this Zone.

- 5.37. Significantly, the fourth criterion goes on to refer to the need for new development proposals to “integrate in a cohesive manner”. I understand this reference to be an implicit acknowledgement that legibility can, potentially, be achieved at the expense of integration and cohesion. The criterion thus seeks to avoid such an outcome and indeed I consider that the proposed amendments would be successful in this respect.
- 5.38. Many of the submissions received by the PA critique the proposed amendments on the basis that they give too much weight to the emerging and, in practise, largely established coherent pattern of development within the SPZ. And yet the fourth criterion does refer to the quest for integration, which is a necessary input to coherence, especially in the North Lotts and Grand Canal Dock SDZ, where the majority of City Blocks are at an advanced stage of completion. In these circumstances, I consider that the PA’s regard for the said coherent pattern of development is not, in principle, misplaced.
- 5.39. With respect to the **fifth** criterion, the proposed amendments would lead to an increase in the provision of commercial floorspace and residential units within the SDZ. Thus, the mixed-use pattern of development in this SDZ would continue. Likewise, the greater variation in sub-block heights would facilitate opportunities for new building typologies to be introduced.
- 5.40. I conclude that the proposed amendments would meet the five-fold middle level criteria of Section 3.2 of the UDBH Guidelines.

**(c) At the scale of the site/building**

- 5.41. Turning to the lower level scale pertaining to site/building, the following three criteria are set out under this heading:
- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
  - *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s “Site Layout Planning and Sunlight” (2<sup>nd</sup> Edition) or BS 8206-2: 2008 – “Lighting for Buildings – Part 2: Code of practice for Daylighting”.*



- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

5.42. The aforementioned three criteria refer essentially to lighting, although reference is also made to ventilation and views, the latter of which I have referred to elsewhere in my assessment. Clearly, the proposed amendments are to the existing PS, which, as a masterplan, sets the parameters within which City Blocks and their sub-blocks can be designed. Accordingly, in advance of the design of individual buildings, meaningful detailed lighting assessments cannot be undertaken. That said, in Appendix E to Loci's report, preliminary shadow and sunlight analysis is undertaken. In this regard, the methodology employed for the existing PS is followed and the baseline provided by the same is adjusted to take account of the as built situation "on the ground". The proposed amendments are then added-in to facilitate a comparison of the difference that they would make. Lighting conditions for the Spring Equinox are traced through the day for 09.00, 12.00, 15.00, and 18.00 hours. For the most part marginal increases in overshadowing would arise. In the case of the "Liffey Gateway" tower, the shadow cast would be largely over its host City Block 9 and its neighbouring City Block 10, which includes the 3 Arena.

### **Specific Assessments**

- 5.43. Section 3.2 of the UDBH Guidelines concludes with a section entitled "Specific Assessments", which refers to micro-climates, birds and bats, telecommunication channels, air navigation, the historic built environment, and environmental assessments. These Guidelines state that these further topics may be relevant at some or all of the above cited levels/scales.
- 5.44. I note that the original inspector's report on the currently proposed amendments concluded that they did not need to be the subject of SEA and AA. I note, too, that the PA's public consultation exercise did not result in any submissions either on SEA or AA or on the other above cited topics. I have referred to the historic built

environment elsewhere in my assessment. The remaining topics are ones that would be capable of being addressed at the design stage of individual buildings.

- 5.45. In the light of my assessment, I am generally supportive of the PA's proposed amendments. However, I am mindful that any review of a PS prompted by SPPR 3(B) of the UDBH Guidelines is in effect a search for added building height opportunities. Given that this is what the review of the PA's PS is about, I do not consider that the opportunity to reduce height arises under such a review. Accordingly, insofar as proposed amendment ref. no. 5 would entail such a reduction, I consider that it should be edited accordingly, i.e. the reduction in height of Sub-block 3D from 5 storey com/6 storey res to 3 – 4 storey res should be omitted.

## 6.0 Conclusion

- 6.1. I conclude that the PA's proposed amendments to the PS for the North Lotts and Grand Canal Dock SPZ would accord with the Development Management Principles set out in Section 3.1 and, insofar as they are applicable to the PS as a masterplan for the SDZ, the Development Management Criteria set out in Section 3.2 of the UDBH Guidelines. Thus, under SPPR 3(B) of these Guidelines, these amendments, subject to the omission from proposed amendment ref. no. 5 of the reference to a reduction in the height of Sub-block 3D, would ensure that the Government policy of increasing building height in appropriate urban locations is met.

## 7.0 Recommendation

- 7.1. That under Section 170A(4)(b) of the Planning and Development Act, 2000 – 2019, the Board approve the proposed amendments, subject to the omission cited in the conclusion above, to the PS for the North Lotts and Grand Canal Dock SPZ.

## 8.0 Reasons and Considerations

Having regard to:

- The Planning and Development Act 2000 – 2019,
- The National Planning Framework,

- The Urban Development and Building Height Guidelines,
- The Regional Spatial and Economic Strategy of the Eastern and Midland Regional Assembly,
- The Dublin City Development Plan 2016 – 2022,
- The Planning Scheme for the North Lotts and Grand Canal Dock Strategic Development Zone 2014,
- Loci’s Urban Scale and Building Height Review: North Lotts and Grand Canal Dock Planning Scheme 2014: Report May 2019,
- Dublin City Council’s Review of Height and Proposed Amendments of North Lotts and Grand Canal Dock Planning Scheme 2014: May 2019,
- The 29 submissions made to Dublin City Council under the Section 170A(7) of the Planning and Development Act, 2000 – 2019, public consultation exercise,
- Dublin City Council’s Report on Public Consultation, December 2019, and
- The inspector’s original and supplementary reports,

It is considered that, subject to the omission of a revision in the height of Block 3D under Item 2 of Section 5.5.3(b) of the Planning Scheme, the proposed amendments to the Planning Scheme for the North Lotts and Grand Canal Dock Strategic Development Zone would satisfy the provisions of Special Planning Policy Requirement 3(B) of the Urban Development and Building Height Guidelines. These amendments would not raise any SEA or AA issues. They would thus accord with the proper planning and sustainable development of the said Strategic Development Zone.

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Hugh D. Morrison  
Planning Inspector

10<sup>th</sup> March 2020