



An
Bord
Pleanála

Inspector's Report

ABP-314983-22

Development	Demolition of buildings, construction of 4 to 8 storey building with retail, offices, gym and café/restaurant with all associated site works.
Location	Site at Clanwilliam Court, Clanwilliam Place and Lower Mount Street Dublin 2.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4126/22
Applicant	Hibernia REIT plc.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellants	(i) Aviva Life and Pensions Ireland plc. (7 Grand Canal) (ii) ILIM Property Fund ICAV (Velasco)
Observers	None.

Date of Site Inspection

18th September 2023.

Inspector

Terence McLellan

Contents

1.0 Site Location and Description

- 1.1. The appeal site comprises the 0.68 hectare southern portion of the city block bounded by Grand Canal Street Lower to the north-east, Clanwilliam Place to the south-east, Mount Street Lower to the south-west, and Love Lane to the north-west. Two office blocks, 7 Grand Canal (formerly known as Osprey House) and the recently redeveloped Velasco building, separate the appeal site from Grand Canal Street Lower. The site is located within the canal ring, immediately to the west of the Grand Canal and approximately 2km from Dublin city centre.
- 1.2. The appeal site includes the existing buildings known as Clanwilliam House, Marine House, Elm House, Block 1, and Block 6, all of which comprise part of the wider Clanwilliam Court Development that was constructed in the 1960's/1970's. With the exception of Block 6, all of the existing buildings are vacant offices. Block 6, which is located on Love Lane, was previously in use as residential and is also now vacant. The existing buildings sit above a double height basement and are arranged around a central linear courtyard that runs the length of the site. Building heights range from four to six storeys, with the tallest elements located on Clanwilliam Place. Architecturally, the buildings are consistent in their use of red/brown brick with horizontal bands of glazing. Car parking facilities are provided within the basement and vehicular access is from Love Lane. Access to the upper level parking of the neighbouring 7 Grand Canal/Velasco is via a ramp located on the subject site.
- 1.3. The surrounding area is generally mixed use although office accommodation is the predominant land use, particularly around Mount Street Lower and Grand Canal Street Lower. There is a linear strip of landscaping along Clanwilliam Place, fronting onto the Grand Canal, beyond which is predominantly residential use. Love Lane, which marks the eastern boundary of the site, is a narrow access lane and accommodates the three to seven storey 'Northumberlands' apartment complex which sits directly opposite the site. Further residential accommodation is provided on the corner of Mount Street Lower and Love Lane. The office buildings at 7 Grand Canal (four storeys) and Velasco (seven storeys) mark the northern boundary of the site onto Grand Canal Street Lower.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of all buildings and redevelopment of the site to provide a new office building ranging in height from four to eight storeys. The building would be seven storeys on its northern boundary with Velasco and 7 Grand Canal, rising to eight storeys southwards as it approaches Mount Street Lower. A series of lateral setbacks give a height range from four storeys, notably on Love Lane, with additional set-backs at the entrance points on both Love Lane and Clanwilliam Place providing increased areas of public realm. The proposed building would have a highly articulated frame with deep glazing reveals, curved facades and the use of aluminium cladding to provide a contemporary and fluid design.
- 2.2. The proposed building would have two levels of basement. Basement Level 2 would comprise car parking and plant rooms. Basement Level 1/lower ground floor would comprise cycle parking and associated facilities, gym and wellness spaces, a double height office space social hub, and a vehicular access from Love Lane that would provide access to the car parking in Basement Level 2 as well as access to the upper parking deck of the courtyard parking area for Velasco and 7 Grand Canal.
- 2.3. At ground floor level the building would accommodate two retail/restaurant/café units with principal frontages onto Mount Street Lower. The main entrance to the office building would be located on Clanwilliam Place, although there would be extensive office frontages onto Mount Street Lower, Love Lane and Clanwilliam Place. The entrance to the gym/leisure space would be located immediately adjacent to the main office entrance on Clanwilliam Place. All upper levels of the building would be in office use.
- 2.4. The building would be arranged around two courtyard lightwells that would provide an element of amenity space. The first courtyard would be accessed from lower ground floor level, with access possible from the office space, the social hub, and the gym/leisure space. The second courtyard would be accessed from second floor level. A smaller amenity space, named Clanwilliam Garden, would be located at lower ground floor level on Clanwilliam Place and accessed from the office social hub.
- 2.5. In addition to the courtyards referred to above, the development would incorporate accessible roof terraces at sixth and seventh floor level with outlooks mainly onto Clanwilliam Place, Mount Street Lower, and the southern end of Love Lane. A

landscaped public realm would be provided on both Love Lane and Clanwilliam Place in addition to the provision of green roofs and the landscaped courtyard gardens.

- 2.6. The development would provide a total of 55 car parking spaces and 591 cycle parking spaces. This would include 525 cycle spaces solely for use of future tenants and 66 visitor cycle spaces. Extensive shower and changing facilities for cyclists would be provided.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dublin City Council on 6th October 2022, subject to 11 generally standard conditions including development contributions, payment of a bond, details of materials, transport requirements (including demolition and construction environmental management plans), drainage requirements, orderly development, noise control, and hours of construction. Condition 4 requires a separate planning application for any proposed external signage.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report was issued on the 6th October 2022 and sets out the assessment and rationale for the Planning Authority's decision to grant planning permission and gives consideration to the observations received. The report notes that the site is majority zoned Z6 (Employment and Enterprise) with the small vacant apartment block known as Block 6 zoned Z1 (Sustainable Residential Neighbourhoods). The Planning Authority acknowledge that the residential zoning is in place due to Block 6 but note that it is inconsistent with the majority Z6 zoning of the remainder of the city block. It is noted that office is an 'Open for Consideration' use on Z1 land. The report states that the vacant residential apartments are all single aspect and do not meet current standards and notes that the applicant has provided details of a proposed residential development that they are pursuing on another site at the former Scruffy Murphy's Public House at 1/2 Power's Court (which appears to be in lieu of the re-provision of housing on the appeal site). This application has been granted permission by Dublin

City Council but is currently subject to third party appeal to the Board. The Planning Authority confirm this approach to the zoning issue as being acceptable and raise no objections to the provision of offices across the site or the loss of the vacant residential block.

- 3.2.2. Plot ratio is stated as 4.7 which is accepted as being higher than the CDP standards but is considered acceptable in this instance given the site attributes. The report notes that the proposed height at 33m is in excess of the 28m limit set by the 2016-2022 CDP for this area, although it is acknowledged that the Building Height Guidelines encourage increased building heights and densities in order to achieve compact growth. The Planning Authority have assessed the development against the criteria set out in SPPR3 of the Building Height Guidelines as well as the criteria within the CDP and consider the development to be compliant.
- 3.2.3. Amenity issues have been considered in the report, with the conclusion being that there would be no adverse impacts on the residential amenity of the adjacent homes on Love Lane. The report notes that the adjacent office buildings (7 Grand Canal and Velasco) were not included in the daylight and sunlight assessment and states that the scale of the proposed development may have an impact on these buildings and that a more generous setback may be required. The applicant addressed this issue with further information submitted regarding daylight and sunlight, and the Planning Authority concluded that the impacts on the adjacent office buildings would be acceptable. On this basis, no additional setback was required.
- 3.2.4. In transport terms, the Planning Authority note that the upper level of the car park serving 7 Grand Canal and Velasco is accessed from the appeal site and note the concerns raised by third parties with regards to maintaining access during the demolition and construction phase. Concerns raised are that the interim ramp arrangements are not suitable and that the access/ramps are too narrow. The Planning Authority consider that this was suitably addressed by the submission of further information (detailed below).
- 3.2.5. The Planning Authority consider the public realm works to be acceptable but note that Love Lane is too narrow for tree planting and as such do not support tree planting in this location. The report notes that the applicant is proposing the removal of a section of the existing on-street car parking along Clanwilliam Place in front of the proposed

main entrance to the development. The Planning Authority note that the removal or relocation of on street parking is a matter for agreement with the relevant divisions of DCC and is outside the scope of the planning application.

3.2.6. The report states that 55 car parking spaces would be provided on-site and that this would be a reduction from the existing 311 spaces. Overall, the proposal to reduce car parking on-site is supported by the Planning Authority and conditions are recommended to support EV charging. Cycle parking is also assessed as being acceptable, although it is noted that no. 9 cargo bike spaces would need to be provided. Additionally, the applicant would be required to obtain the written agreement of the Planning Authority confirming the location and quantum of cycle parking stands on the public footpath along Mount Street Lower.

3.2.7. The report ultimately concludes that the development is acceptable and that the various clarifications and requests for further information have largely overcome the issues raised.

3.2.8. **Other Technical Reports**

3.2.9. **Drainage Division (28.06.2023):** No objection, subject to conditions. The relevant conditions include compliance with the Code of Practice, provision of separate surface and foul water drainage, attenuation, incorporation of sustainable drainage systems, flood risk reduction, provision of infrastructure within site boundaries and installation of a petrol interceptor.

3.2.10. **Transport Planning Division (19/07/2023 and 28/09/2023):** The comments from the Transportation Planning Division note the access concerns for the interim ramp arrangements for the adjoining car parking area serving 7 Grand Canal and Velasco. The public realm works are broadly considered acceptable subject to final written approval for areas to be taken in charge and restrictions on planting on Love Lane. It is noted that a separate permission would be required for the removal and relocation of on-street parking on Clanwilliam Place.

3.2.11. Cycle parking is considered acceptable subject to the provision of cargo bike spaces and final written approval of the location and quantum of cycle parking stands on Mount Street Lower. Car parking would be reduced from 311 car parking spaces to 55 which is acceptable although the Transport Planning Division note that they would prefer to see a lower level of parking provided and consider that EV charging facilities

should be provided. The servicing proposals are considered to be acceptable with servicing taking place on Love Lane via a layby that would be taken in charge. It is noted that turning would not be permitted on Love Lane and that traffic would exit onto Grand Canal Street Lower.

3.2.12. The Transport Planning Division requested further information to demonstrate how access to the parking areas would be maintained during construction, and how continued access along Love Lane would be maintained, having regard to the existing uses accessed and serviced via the lane.

3.2.13. Further information to satisfy this request was submitted by the applicant on 9th September 2022. The response noted that primary access to the site during construction would be via Mount Street Lower, thereby keeping Love Lane accessible at all times for adjoining residents and to provide access to the adjacent office block parking areas. Access to the parking areas would be maintained via a temporary ramp and signal controlled access, with full details to be agreed with the adjacent property owners. The Transportation Planning Division confirmed on 28th September 2022 that the information submitted was acceptable and raised no objections to the development subject to conditions.

3.3. Prescribed Bodies

3.3.1. **An Taisce (06/07/2022):** The body consider the proposed development to be excessively dense, bulky and high for this location. The prominent location of the site is noted, including its proximity to protected structures, its location within the Grand Canal Conservation Area and its role as a gateway into the preserved core of Georgian Dublin.

3.3.2. An Taisce consider that the scale and form of new development should be generally in proportion to the surroundings and not overwhelm or otherwise adversely impact the amenities of surrounding property or the heritage of the area. The bulk of the proposed building is considered evident in the photomontage views and its impacts on amenity and light levels at this corner, both for adjacent properties and that of the proposed building should be considered.

3.3.3. The body note that Dublin is a northern European city where the sun makes a low arc through the sky during the winter months between October and March, resulting in

large shadows and poor light levels. An Taisce consider that the city doesn't have the climate or latitude to enable good light to penetrate down into, between, or behind large or deep-floorplate buildings in urban streets and give adequate light levels throughout the year to ensure sufficient amenity and wellbeing for users.

3.3.4. **Department of Housing, Local Government and Heritage:** No response.

3.3.5. **Irish Rail:** No response.

3.3.6. **Irish Water:** No response.

3.4. **Third Party Observations**

3.4.1. Two observations were made on the planning application by the owners of 7 Grand Canal and Velasco, both of whom are the appellants. The issues raised are similar to those raised in the grounds of appeal which are set out in detail at section 6.1 below.

4.0 **Planning History**

Subject Site

4.1.1. **ABP Ref. 305675-19/Planning Authority Ref. 3159/19:** Planning permission was granted by the Board in August 2020 for the demolition of Elm House, Block 1 Clanwilliam Court, Clanwilliam House and the construction of a commercial office building accommodating restaurant/bar/gym and Town Hall, together with ancillary works. The approved buildings range in height from four to seven storeys.

4.1.2. **ABP Ref. 306728-20/Planning Authority Ref.4527/19:** Permission was granted by the Board in August 2020 for amendments to permitted Reg. Ref.:2234/18 (ABP-301468-18). The amendments include additional office space, reconfiguration of internal and basement layouts and amendments to the elevations, finishes, and landscaping.

4.1.3. **ABP Ref. 301468-18/Planning Authority Ref. 2234/18:** The Board upheld the decision of Dublin City Council to grant planning permission for an extension and alterations to an office development at Marine House. Planning permission was granted in December 2018.

- 4.1.4. **ABP Ref. PL29S.228246/Planning Authority Ref. 6664/07:** Planning permission was granted by the Board in October 2008 for the demolition of an existing office building (Block 1), retaining the two existing car park levels together with the reduction of car parking from 78 spaces to 57 spaces. The provision of 60 new cycle spaces and the construction of a seven storey office building over the existing basement comprising of five storeys and two setback storeys fronting onto Lower Mount Street with a gross floor area of 5,219 square metres. An extension of duration of permission was granted in December 2014 under Ref. 6664/07x1.
- 4.1.5. **ABP Ref. PL29S.222342/Planning Authority Ref. 6485/06:** Planning permission was refused by the Board in October 2007 for the demolition of an existing office building consisting of four storeys plus setback above ground floor level and construction of a new office building in its place of seven storeys plus an additional setback eight storey with a gross floor area above ground level of 5,911 square metres.
- 4.1.6. **Planning Authority Ref. Under 3257/09:** Planning permission was granted by Dublin City Council in September 2009 for modifications to the existing five storey plus two storey basement office building (Elm House). These modifications included the provision of a pedestrian entrance from Love Lane. The provision of a new double height lobby, alterations to the existing pedestrian entrance at Clanwilliam Court and alterations to the façade and fire escapes together with the internal reconfiguration at ground floor level.

Adjacent Site

- 4.1.7. **Planning Authority Ref. 3338/15:** Planning permission was granted by Dublin City Council in October 2015 for alterations associated with the parent permission under Reg. Ref. 2768/12 (Velasco).
- 4.1.8. **Planning Authority Ref. 2768/12:** Planning permission was granted by Dublin City Council for the redevelopment at Kestrel House, Clanwilliam Place, with a new development comprising a seven storey over basement office building with a total gross floor area of 6,427 square metres (Velasco).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The planning application was considered by the Planning Authority for compliance with the policies and objectives of the Dublin City Development Plan 2016 – 2022, which was the relevant policy document in force at the time. A new City Development Plan came into effect on 14th December 2022 for the period 2022 – 2028, which will be considered herein.

Dublin City Development Plan 2022-2028

- 5.2. The site is partially located within the Grand Canal Conservation Area and there are various protected structures nearby, including McKenney Bridge (NIAH ref. 50100535) immediately to the south on Mount Street Lower, St Patrick Dun's Hospital (NIAH ref. 50100395) approximately 10 metres to the north-west on Grand Canal Street Lower, and McKenney Bridge Locks (NIAH ref. 50100536) approximately 60 metres to the east and 40 metres to the south on the Grand Canal. The site is partially within the Zone of Archaeological Constraint for the Recorded Monument DU018-052 (grave slab), which is listed on the Record of Monument and Places and is subject to statutory protection under Section 12 of the National monuments (Amendment) Act 1994. This is located approximately 40 metres to the north west in a landscaped area off Love Lane.
- 5.2.1. The appeal site benefits from two zoning designations. The vast majority of the site is zone Z6: Employment and Enterprise, the stated objective of which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation. The primary objective for this zone is to facilitate long-term economic development in the city. It is important that these remaining Z6 zoned lands provide for intensive employment and accommodate a wide range of local services. Proposals for development of these lands should create a high quality physical environment; coherent urban structure; provide the opportunity to develop sustainable employment use; and, contribute to developing the strategic green network by providing green infrastructure, landscape protection, public open space and sustainable energy solutions.

5.2.2. The area of the site presently occupied by the vacant residential building known as Block 6 is zoned Z1: Sustainable Residential Neighbourhoods, the stated objective of which is to protect, provide and improve residential amenities. Importantly, offices are an 'Open for Consideration Use' on Z1 land.

5.2.3. Chapter 3: Climate Action, contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policy from this section is:

- CA3: Climate Resilient Settlement Patterns, Urban Forms and Mobility
- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA24: Waste Management Plans for Construction and Demolition Projects
- CA27: Flood Risk Assessment and Adaptation

5.2.4. Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies from this chapter are:

- SC5: Urban Design and Architectural Principles
- SC10: Urban Density
- SC11: Compact Growth
- SC13: Green Infrastructure
- SC14: Building Height Strategy
- SC15: Building Height Uses
- SC16: Building Height Locations
- SC19: High Quality Architecture
- SC20: Urban Design
- SC21: Architectural Design

5.2.5. Chapter 6: City and Enterprise is of relevance. This chapter recognises that Dublin is an international city and gateway to the European Union for many businesses. The

city region contributes significantly to Ireland's economy and is a major economic driver for the country. The relevant policies from this chapter are:

- CEE1: Dublin's Role as the National Economic Engine
- CEE2: Positive Approach to the Economic Impact of Applications
- CEE7 Strategic and Targeted Employment Growth
- CEE21: Supply of Commercial Space and Redevelopment of Office Stock

5.2.6. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity, and flood risk/surface water management. The relevant policies of this section are:

- SI14: Strategic Flood Risk Assessment
- SI15: Site Specific Flood Risk Assessment

5.2.7. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology. The relevant policies of this section include:

- BHA4: Ministerial Recommendations
- BHA9: Conservation Areas
- BHA26: Archaeological Heritage

5.2.8. Chapter 15: Development Standards, contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed, both in terms of how they

contribute to the achievement of the core strategy and related policies and objectives. Relevant sections of Chapter 15 include (but are not limited to):

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters
- 15.6: Green Infrastructure and Landscaping
- 15.14.4: Office
- 15.15.1: Archaeology
- 15.15.2: Built Heritage
- 15.18: Environmental Management

5.2.9. Relevant Appendices include:

- Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.
- Appendix 16: Sunlight and Daylight provides direction on the technical approach for daylight and sunlight assessments.

5.3. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

5.3.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth 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. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

5.4. National Policy and Guidance

Project Ireland 2040, National Planning Framework (2018) (NPF)

5.4.1. The NPF addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places.

Relevant Policy Objectives include:

- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

Section 28 Ministerial Guidelines

5.4.2. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public

transport services and other associated infrastructure required to underpin sustainable residential communities.

5.5. Natural Heritage Designations

- 5.5.1. The nearest European sites are the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) both 2km to the east, the North Bull Island SPA (004006) approximately 4.5km to the north east, and the North Dublin Bay SAC (000206), approximately 4.5km to the north East. The Grand Canal pNHA (002104) is located approximately 25 metres to the east and the Royal Canal pNHA (002103) is approximately 1km to the north.

5.6. EIA Screening

- 5.6.1. The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. The information provided in the application EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination in line with the requirements of Article 109(2B)(a)(b) of the Planning and Development Regulations, therefore, it cannot screen out the need for EIA at preliminary examination.
- 5.6.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. *a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.
- 5.6.3. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant

impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal, including the following:

- Appropriate Assessment Screening Report
- Architectural Design Report
- Construction and Demolition Management Plan
- Energy and Sustainability Statement
- Flood Risk Assessment
- Operational Waste Management Plan
- Preliminary Construction and Environmental Management Plan
- Site Planning for Daylight and Sunlight Report
- Traffic Impact Assessment
- Water Services Report

5.6.4. In addition, the applicant has provided a statement indicating how the results of other relevant assessments have been taken into account in determining the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive in line with the requirements of Article 109(4)(a)(iv) of the Regulations (the Board should note that the applicant has erroneously referred to Article 299 of the Regulations in this statement and the correct reference is set out above). The following EU Directives are directly addressed by the applicant:

- Directive 92/43/EEC – Habitats Directive
- Directive 2007/60/EC - Floods Directive

5.6.5. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix 2 to this report. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- The location of the proposed office development on lands zoned within the Dublin City Development Plan 2022-2028 as Z6: Employment and Enterprise, the stated objective of which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation; and Z1: Sustainable Residential Neighbourhoods' with a stated objective 'to protect, provide and improve residential amenities' where office is a use that is classed as Open to Consideration; and the results of the Strategic Environmental Assessment of the Development Plan;
- The nature of the existing site and the pattern of development in the surrounding area;
- The proposed demolition works;
- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Preliminary Construction Environmental Management Plan, and Operational Waste Management Plan.

5.6.6. I am satisfied that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals have been submitted against the decision of DCC to grant planning permission for the proposed development. The appeals are summarised below:

6.1.2. Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin 6, for and on behalf of ILIM Property Fund ICAV who own the neighbouring building known as Velasco which is situated on the corner of Clanwilliam Place and Grand Canal Street Lower, Dublin 2. This seven storey office building flanks the north east boundary of the appeal site. The grounds of appeal are as follows:

- The proposed development would result in overlooking and would be overbearing on existing windows and the staff balcony at Velasco due to the increased height and proximity of the proposal as well as stepping forward of the building line.
- Reasonable levels of privacy and amenity are important for the occupants of Velasco and the development would not provide a respectful setback, mirroring that of adjacent schemes.
- Any permitted windows overlooking Velasco should be obscure glazed.
- Separation distances are insufficient, and the proposed building would be too close to Velasco.
- There would be adverse daylight impacts and the analysis undertaken uses a baseline from the previously approved scheme as opposed to the existing situation.
- Loss or interruption to the vehicular car park via the shared ramp would have serious consequences for Velasco and there are concerns regarding technical compliance and safety.

- The access ramp would be too narrow and there would be reduced visibility of the side barriers.
- The ramp is too narrow to allow the necessary manoeuvres to access and egress the ramp.
- A swept path analysis is required, and the safe operation of the ramps has not been demonstrated.
- The temporary ramp connection with the existing ramp comprises alternative gradients intersecting and would appear likely to result in damage to the front of vehicles with lower ground clearances.
- It is unclear how pedestrian movement between both car park levels would be accommodated, it appears pedestrians may have to use the vehicle ramps with no accommodation for their movement and this raises safety concerns.

6.1.3. Virtus of The Glass House, 11 Coke Lane, Smithfield, Dublin 7, for and on behalf of Aviva Life and Pensions Ireland DAC, who own the neighbouring building at 7 Grand Canal. This four storey office building flanks the north west boundary of the appeal site at the corner of Grand Canal Street Lower and Love Lane. The grounds of appeal are as follows:

- There would be an adverse impact on daylight to 7 Grand Canal due to the height, location, and proximity of the proposed development.
- No consideration or assessment of daylight impacts appear to have been undertaken with regard to 7 Grand Canal.
- Daylight impacts on commercial properties are a material consideration.
- The proposed development would be overbearing on 7 Grand Canal and would result in overlooking.
- DCC stated in their request for further information that daylight had been raised by observers and that a more generous setback from 7 Grand Canal could be more appropriate.
- Precedent examples provided by the applicant where the Board considered impacts on the daylight to commercial buildings are out of date in light of the new guidance issued by the BRE.

- Daylight to commercial buildings is important, including for energy consumption, employee wellbeing and building standards.
- The updated daylight study provided by the applicant has been independently reviewed and the review queries the results, which appear to be higher than would be expected when applying the guidelines correctly.
- The ADF and VSC analysis should be reviewed to confirm they represent the existing and proposed scenarios. Percentage reduction should also be included.
- The methodology used in the daylight and sunlight assessment does not appear to meet the requirements and should be reassessed.
- The proposed development falls into the BRE category of being a bad neighbour.
- The development would result in overlooking and would restrict the development potential of 7 Grand Canal, effectively sterilising the site from future development.
- The north elevation is a poor standard of design and would be contrary to CDP policies.
- The precedent examples provided by the applicant did not result in any overlooking.
- There would be impacts on Love Lane during the demolition and construction phases. The decision to restrict traffic from Love Lane is welcomed but this must be strictly adhered to by condition to ensure no construction traffic uses Love Lane for any movements, loading, unloading, or any kind of parking at any time.

6.2. Applicant Response

6.2.1. A response to the third party grounds of appeal has been submitted by Brady Shipman Martin of Mountpleasant Business Centre, Ranelagh, Dublin 6, for and on behalf of Hibernia REIT of Windmill Lane, Dublin 2. The response is summarised as follows:

6.2.2. *Response to appeal by ILIM Property Fund ICAV*

- The daylight analysis has been conducted as per the relevant guidelines using the most recent planning application drawings and it is re-confirmed that that the development would have no impact in terms of sunlight.
- The daylight and sunlight standard applied at the time of the application states that any non-domestic building which is deemed to have a special requirement for sunlight should be checked. It is not clear that Velasco has a special requirement for sunlight but the assessment proceeded on the basis that it does. The building would comply with the BRE criteria for sunlight.
- The daylight and sunlight analysis has been undertaken using the most recent planning application drawings and not based on a previous permission.
- In assessing sunlight, the guidelines allow windows on adjacent walls to be considered and state that the highest value of APSH and Winter Hours should be taken.
- The sunlight reaching Velasco is well in excess of the guidelines.
- The detailed design of the building, including the use of aluminium fins, would reduce impacts in terms of overlooking to Velasco.
- At its closest point to Velasco, the proposed development would only be half a storey higher than the consented scheme and would have no additional adverse effects in terms of overlooking.
- The proposed development has increased the height of the solid façade panels in order that there would be no direct overlooking at the same level as the Velasco terrace. Views would be possible from the top floor of the proposal to the terrace, but these are not direct views due to the offset levels. This is reasonable given the urban context and the nature of the terrace and coffee area.
- The proposed development would not encroach on the existing boundary line which is already straddled by the existing Marine House development. The location of the boundary will need to be validated and a detailed survey of the flank wall undertaken.

- A detailed phasing strategy has been prepared to ensure that the car parking provision and access will not be affected during the demolition and construction period.
- A temporary ramp will allow access during the demolition of the residential block located above the access route.
- Sensor activated traffic lights would control access to the car park spaces to control movement. Existing basement stairs will be replaced with temporary steel stairs off of a retained landing to maintain escape route.
- Vehicle tracking has been undertaken to demonstrate access to car parking area.
- Perimeter scaffolding would be provided with a protection fan arrangement and crashdecks to provide adequate protection for safe circulation for the car park.

Response to appeal by Aviva Life and Pensions

- The model has been reviewed and it is confirmed that it is accurate and that the results stand.
- The values of 7% VSC quoted in the BPC Engineers Report align with the results of the model that has been used, confirming its accuracy, the presentation of the results has been misinterpreted. The original analysis remains the same, that impacts from the proposed development on daylight would be imperceptible.
- The updated BRE guidance has no impact on the analysis and the results remain the same. The wording used in the 2011 and 2022 BRE guide are the same, word for word, and as such cannot be out of date.
- The impact on 7 Grand Canal was assessed via VSC and ADF. The differences in ADF from the existing and the granted development would be imperceptible.
- The BRE states that if a room has multiple windows of an equal size, then the mean of their VSC's can be taken. An average VSC has therefore been presented.
- All assessed spaces would remain compliant with the BRE guidelines when comparing the proposed development against the granted development.

- When comparing the proposed development against the existing situation, three of the eight assessed spaces would fall below the BRE guidelines but only marginally (between 0.6% and 3.6%).
- The initial daylight and sunlight assessment did not include 7 Grand Canal as commercial developments do not generally form part of daylight and sunlight assessments. The assessment was undertaken as part of the request for further information and indicates that impacts would be imperceptible and as such no mitigation is required.
- The main focus for the daylight and sunlight guidelines is for domestic properties. The guidelines state that the BRE may be applied to non-domestic buildings where there is a particular requirement for sunlight.
- It has not been confirmed if 7 Grand Canal has a particular requirement for sunlight in line with the guidelines however it is accepted that a standard office undertaking standard office activities would not fall under a particular requirement.
- The precedent examples previously provided which relate to a previous decision by the Board considering that loss of light to neighbouring offices was not unacceptable are not outdated. The statement used by the appellants contained within the 2011 and 2022 versions of the BRE are the same, word for word.
- The updated version of the BRE Guide would have no impact on the analysis conducted for 7 Grand Canal or Velasco.
- It is assumed that 7 Grand Canal is not LEED or WELL certified, so daylight impacts are not applicable in that instance.
- Percentage ADF losses are presented, as requested. ADF was calculated on an open plan layout obtained from planning drawings that suggest 7 Grand Canal has an open plan layout. This was the best information available at the time. A cellular floorplan is a temporary layout that can be reconfigured as needed and as such is impossible to determine.
- The proposal would not impact on the development potential of 7 Grand Canal. Filling in the courtyard is not feasible as it is an access route for all three

buildings and any redevelopment would need to maintain this access. The outlook from Velasco would also need to be maintained.

- It is noted that elements of 7 Grand Canal and Velasco are built up onto the boundary line. It is therefore not unreasonable for the proposal to do the same.
- A blank façade has been provided where the proposal meets 7 Grand Canal, allowing development/extension of 7 Grand Canal.
- The distance across the courtyard is 17.8 metres which is appropriate for offices in an urban context. Some overlooking across a shared courtyard is to be expected.
- The current development has residential next to 7 Grand Canal. The proposed development for offices therefore increases the development potential of 7 Grand Canal.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority request that the Board uphold the decision to grant permission and apply conditions regarding Section 48 contributions and the payment of a bond.

6.4. Observations

- 6.4.1. None.

6.5. Further Responses

- 6.5.1. Further responses were submitted by both appellants as summarised below:

Response by ILIM Property Fund ICAV

- Do not agree that the overlooking impacts would be no worse than what was previously permitted and do not agree that the level of overlooking is acceptable.
- Do not support the notion of incremental impacts.
- The baseline is the existing situation, not an unimplemented permission. The proposed development would be overbearing and would result in overlooking.

- The development would have an impact on the development potential of Velasco.
- In terms of loss of light, the concern relates to daylight, not sunlight. This impact arises from the development stepping out into Clanwilliam Place.
- The applicant has used a baseline from the unimplemented 2018 Marine House Permission.
- Uninterrupted access to the Velasco car park is a significant concern.
- The access ramp widths are inadequate and risk damage to vehicles.
- There is inadequate provision for the safe circulation of pedestrians.
- The issue regarding separation distances has not been fully addressed. Key dimensions should be established prior to permission being granted.

Response by Aviva Life and Pensions

- The remarks put forward by the applicant are noted but the grounds of the third party appeal still stand, namely the impacts on daylight and the development potential of 7 Grand Canal.

7.0 **Assessment**

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Amenity
- Transport
- Other Matters
- Appropriate Assessment

7.2. **Amenity**

- 7.2.1. Various issues have been raised in both appeals that can be grouped together under the topic of amenity. Specific concerns raised are that the development would result in overlooking and a loss of privacy, that the development would be overbearing, that separation distances are insufficient, and that the development would have an adverse impact on neighbouring properties in terms of a loss of daylight and sunlight.

Overlooking and Loss of Privacy

- 7.2.2. It is argued that the development would overlook the existing windows and staff balcony at Velasco due to the increased height and proximity of the proposed building, in addition to it stepping forward of the existing building line on Clanwilliam Place. The grounds of appeal state that reasonable levels of privacy and amenity are important for the occupants of Velasco, that the development would not provide a respectful setback mirroring that of adjacent schemes, and that windows overlooking Velasco should be obscure glazed.
- 7.2.3. Guidance on overlooking within the CDP relates primarily to residential development, reflecting the fact that residential development has a greater need and expectation of privacy than office /commercial developments in a highly urbanised context. I do not agree that commercial office development should be held to the same amenity requirements as residential developments, although an assessment of impact and securing reasonable amenity is appropriate. As such, the impacts of a development proposal on neighbouring commercial developments should be assessed on a case by case basis. In terms of the impact on Velasco, I note that the appellant's concern is that the windows on the top floor of the proposed development would overlook the rooftop coffee area and balcony. The previously approved scheme for the redevelopment of Marine House included windows immediately on the boundary at 7th floor level. These windows would have afforded future occupants a direct linear view onto the terrace of Velasco and the office space beyond. The proposed development includes an additional storey and the windows previously approved at 7th floor level become solid panels as part of the proposed scheme, thereby removing the direct linear views from the proposed office building to the Velasco terrace.
- 7.2.4. I accept that there would still be a degree of overlooking from the 8th floor windows, however these views would be less direct than those established on the previously approved scheme, due to the difference in levels. Ultimately, the Velasco rooftop

coffee area and terrace are break out spaces with a social function and I do not consider that their functionality or value as an amenity space for a commercial development would be compromised as a result of the proposed development. I note that the proposed development would step forward from the existing Marine House building line to sit flush with the façade of Velasco and I consider this to be acceptable. Furthermore, the detailed design of the building facade as it steps forward from the existing Marine House building line on Clanwilliam Place is such that significant additional views into Velasco would not be possible.

- 7.2.5. In terms of overlooking to 7 Grand Canal I note that the separation distance between the northern façade of the proposed development, which would sit on the property boundary, would be in excess of 17 metres from the rear façade of 7 Grand Canal and I am satisfied that this is an acceptable relationship given the commercial nature of the site which does not have the same requirement or expectation of privacy as residential development, particularly in an inner city context.

Overbearance

- 7.2.6. The proposed development would be in alignment with the northern boundary line, sharing a party wall with part of 7 Grand Canal, which reflects the current relationship, and maintaining the existing separation distance from Velasco. I acknowledge that the development would result in the built form extending along the remainder of the northern boundary, effectively closing off the existing courtyard, however I do not consider that this would result in an overbearing relationship to 7 Grand Canal and Velasco given the surrounding context and the scale of the existing buildings.
- 7.2.7. The tallest elements of the proposed development lie to the southern end of the site where it bounds Mount Street Lower. I consider the additional height on the northern boundary to be acceptable with regards to the relationship with 7 Grand Canal and Velasco. The proposed heights would contextualise well with the existing built form and are suitable in the urban context within which it is located. I do not consider that the additional height or the stepping forward of the building line on Clanwilliam Place to match that of Velasco to be excessive or overbearing in nature.

Daylight and Sunlight

- 7.2.8. Impacts on daylight and sunlight are raised by both appellants. Issues have been raised regarding the methodology used in the daylight and sunlight assessment,

including that the incorrect baseline has been used. Other issues raised are that the precedent examples provided by the applicant are out of date, in light of updated guidance from the BRE, and that daylight to commercial buildings is important for energy consumption, employee wellbeing and building standards.

7.2.9. Appendix 16 of the Dublin City Development Plan deals with sunlight and daylight, although this is largely from a residential perspective. Section 3.21 of this appendix refers specifically to the 2011 BRE Guidance: Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice. The Building Heights Guidelines (2018) also state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE.

7.2.10. The grounds of appeal raise several issues regarding the applicant's use of the 2011 BRE guidance, noting that this is out of date as an updated document was published in 2022. The primary issue being that the 2022 guidance makes reference to the fact that care should be taken to safeguard the access to sunlight for non-domestic buildings where there is a particular requirement for sunlight. On this basis, the grounds of appeal state that previous Board decisions referred to by the applicant, that concluded that the loss of daylight to commercial buildings was not unacceptable due to their nature as commercial buildings, are now outdated.

7.2.11. Whilst I note the point made by the appellant, I would draw the Boards attention to the fact that the pertinent text in the latest version of the BRE remains largely unchanged from the previous 2011 version. The latest version of the BRE states:

'The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices.'

'In designing a new development or extension to a building, care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight.'

7.2.12. The key issue here is whether or not the buildings at 7 Grand Canal and Velasco have a special requirement for sunlight, perhaps based on the nature of the work

undertaken within the office space. The Board should note that the BRE guidance has always contained guidance for offices with the caveats outlined above and it is noted that neither appellant claims to have a special requirement for sunlight. As such I am of the opinion that these offices provide general use office space and that the BRE guidance and numerical targets contained therein should not be applied rigidly to the affected commercial buildings.

7.2.13. Velasco and 7 Grand Canal were not originally included in the submitted daylight and sunlight assessment on the basis that they are commercial buildings and that they do not usually form part of a daylight and sunlight analysis, noting that the standards set out in the BRE are mainly intended for use in residential developments. However, following a request for further information from DCC, an updated daylight and sunlight assessment was submitted that quantified the impact of the proposed development on Velasco and 7 Grand Canal.

7.2.14. The updated daylight and sunlight assessment submitted as further information employs the Annual Probable Sunlight Hours (APSH) test for Velasco, and the Vertical Sky Component (VSC) test for 7 Grand Canal. I would advise the Board that the APSH test and the VSC test could apply to both buildings and as such it is somewhat irrational that the applicant has used one test for Velasco and another test for 7 Grand Canal when a consistent approach should have been taken. The Board may therefore wish to request further information to clarify this issue, should it be minded to grant permission. However, in my opinion, compliance with the BRE guidelines should not be mandatory for standard office accommodation and given the site context and the commercial nature of the affected buildings, the information submitted by the applicant is, in my view, largely sufficient to gauge the broad level of impact on the daylight and sunlight to the adjacent office buildings.

Velasco

7.2.15. The boundary relationship between the proposed development and Velasco is largely already established by the existing building which is generally consistent with the boundary line, although it is noted that the proposed development would step forward from the existing building line of Marine House to sit flush with Velasco on Clanwilliam Place. As such, the potential daylight and sunlight impacts as a result of the proposed development would mostly be limited to the south east corner of Velasco. The BRE

states that in non-domestic buildings, any spaces that are deemed to have a special requirement for sunlight should be checked. As mentioned previously, it has not been established that Velasco has a special requirement for sunlight although the daylight and sunlight assessment has been completed on the precautionary basis that it does. I note that VSC results have not been provided for the affected windows on the south elevation of Velasco. On balance I consider this to be acceptable given the very specific circumstances on this site, such as the commercial nature of Velasco and the location of the affected windows on the corner of the building, where the immediately adjacent windows fronting onto Clanwilliam Place will remain unobstructed and provide light to the same space.

- 7.2.16. The sunlight assessment undertaken for Velasco details that the south facing windows would experience a reduction in sunlight that would be slightly below the BRE standards in terms of APSH but would remain compliant in terms of winter hours. Importantly, the applicant refers to the BRE 2011 guidance which states that the highest value of APSH and winter hours can be used if a room has windows on an adjacent wall. On that basis Velasco would remain fully compliant with the BRE as the windows facing onto Clanwilliam Place would be unobstructed by the proposed development.
- 7.2.17. However, this particular section of the BRE guidance has been updated in the 2022 version which instead states that if a room has multiple windows, the amount of sunlight received by each can be added together, provided they occur at different times and sunlight hours are not double counted. Whilst the technical terms and methodologies may be different, I am satisfied that the overall thrust of the guidance remains consistent with giving credit to other windows which serve the same space.
- 7.2.18. I am therefore satisfied that the daylight and sunlight impacts on Velasco are acceptable. In this respect, I am mindful of the limited number of windows affected on the south east elevation of Velasco, the location of the affected windows close to the corner of the building which in turn is served by unaffected windows onto Clanwilliam Place, continued compliance in terms of winter hours, the commercial nature of Velasco, and the urban context of the site. I note the concerns raised in the appeal from the owners of Velasco that the baseline used in the assessment is that of the 2018 permission. The applicant has addressed this in their response to the appeal and have confirmed that the daylight and sunlight analysis has been undertaken using the

most recent planning application drawings and not based on a previous permission. Based on the information available, I am satisfied that up to date information has been used.

7 Grand Canal

- 7.2.19. The proposed development would be located immediately on the boundary with 7 Grand Canal. The lands within the boundary of 7 Grand Canal include a car park area/open courtyard and the distance between the façade of the proposed development and 7 Grand Canal is in excess of 17 metres. In assessing the daylight impacts on 7 Grand Canal, the applicant has applied the VSC and ADF tests. The applicant has assessed the two wings of 7 Grand Canal, with the wing facing onto Love Lane referred to as Tenant A and the wing facing onto Grand Canal Street Lower referred to as Tenant B. For the purposes of my assessment, it should be noted that the Tenant A space sits perpendicular to the proposed development whereas the Tenant B space sits directly opposite and parallel to the proposed office space. The Tenant B space will therefore be the most affected by the proposed development.
- 7.2.20. The BRE recommends that existing neighbouring properties should retain a VSC of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will not be needed more of the time. The BRE states at Section 2.2.6 that if a room has two or more windows of equal size, the mean of their VSCs may be taken. This is the approach taken by the applicant in their assessment, whereby average VSC is provided for each office floorplate. However, the applicant has included the VSC figures from adjacent facades of the building, whereas the BRE states that the reference point when calculating mean VSC should be the external plane of the window wall. I would therefore not agree with the methodology used by the applicant in this instance as the mean VSC should, in my opinion, be generated by windows on the same plane.
- 7.2.21. Nonetheless, the applicant has provided VSC figures for the lower level windows of the Tenant B space at 7 Grand Canal that face onto the proposed development, and I consider that this allows a sufficient assessment to take place based on the information available. Logic dictates that lower level windows would generally present a worst case scenario as they would be subjected to the highest degree of obstruction

from the proposed development. The VSC figures for these windows would be an average of 6.8%, which I note falls significantly short of the BRE recommendation of 27%. However, I am mindful that the 27% figure referred to in the BRE is mainly for a residential context as opposed to inner city commercial developments. I also acknowledge that the Tenant B space has fairly narrow/shallow office floorplates and as such, this space would continue to be well lit from the windows on the northern façade onto Grand Canal Street Lower. Whilst these windows cannot form part of the mean VSC calculation referred to previously, I am satisfied that they would contribute to daylight within the office space and should be afforded consideration in this context. I am therefore satisfied that the daylight impacts on 7 Grand Canal are acceptable given the commercial nature of the building, the highly urbanised context and the extent of unaffected windows serving the same office space on a narrow floorplate.

7.2.22. The applicant has also undertaken further analysis of the impacts on 7 Grand Canal by assessing the Average Daylight Factor (ADF) to determine the level of daylight that would be achieved in the office spaces. The BRE states that ADF shouldn't be used to assess the impact of a development on an existing building and the Board should be advised that ADF has been removed from the recent 2022 version of the BRE. On that basis I am satisfied that ADF should not form part of the assessment.

7.2.23. I note the concerns raised by the appellant regarding the VSC results and the methodology used. I have addressed the methodology issues in the assessment above and I note the applicant's response to the appeal that confirms that the model used in the assessment is accurate. Based on the information available to me, I consider that up to date and correct information has been used.

Conclusion on Daylight and Sunlight

7.2.24. As noted in the BRE guidance, the advice given is not mandatory and the guide should not be seen as an instrument of planning policy, and whilst it gives numerical guidelines, these should be interpreted flexibly. The BRE guidance is aimed primarily at residential development, although as noted above, the guidelines can be applied to some non-domestic settings where occupants have a reasonable expectation of daylight, and this includes some offices. Importantly, neither of the appellants claim that their offices/operations have a particular requirement for specified daylight levels. As such, I do not consider that the BRE guidelines should be rigidly applied to what

appears to be standard office accommodation within a built up inner city area, nor should they be assessed against the same criteria as residential development which by its nature and use, has a much higher requirement for daylight and sunlight.

7.2.25. Given the commercial nature of the affected buildings, the limited number of windows affected, the availability of light from windows on adjacent facades, and the urban context of the site, I am satisfied that the impacts on 7 Grand Canal and Velasco are acceptable on balance, particularly given the benefits of bringing forward employment generating commercial development on a serviced urban site, and that this would be compliant with the compact growth objectives set out in local, regional and national policy.

7.3. Transport

7.3.1. Vehicular access to the development would continue to be from Love Lane although it is noted that access for construction related activities would be from Mount Street Lower, thereby reducing pressure and potential impacts on Love Lane and the various users of this street. I do not consider that construction related activities would compromise the functionality or safety of Love Lane, subject to appropriate safeguards being put in place as indicated by the applicant.

7.3.2. As noted previously, 7 Grand Canal and Velasco have the benefit of off-street car parking in a two level parking deck in the courtyard area. The lower level of the car park has a dedicated access from Love Lane and the upper level of the car park is accessed from a shared ramp within the appeal site. During the construction period, access to the upper level car park from the appeal site would be temporarily restricted and interim arrangements are proposed by the applicant to provide access to both levels of the car park from the existing dedicated access from Love Lane via an additional temporary ramp.

7.3.3. The grounds of appeal raise concerns regarding how access would be maintained to both car park levels during this interim period, that the ramps would be too narrow and would compromise safety as well as risk damage to vehicles, that swept path analysis is required and that clarity is needed regarding pedestrian movement between both car park levels. It is stated that the interim arrangements would compromise safety for both vehicles and pedestrians. It should be noted that the works to the adjacent car park access, including the interim ramp arrangements, lie outside of the red line plan

and as such will need to be agreed between the relevant parties, as indicated by the applicant. Whilst this could be considered to be outside the scope of the appeal, as enabling works to allow the development to take place, I consider it appropriate that they are considered.

- 7.3.4. As part of the response to the further information request by Dublin City Council, the applicant provided details of interim access arrangements for the upper and lower parking decks of the adjacent office buildings at 7 Grand Canal and Velasco. The proposed interim ramp to the upper deck would have a minimum width of 2.6 metres and the remaining access to the lower ground parking deck would be reduced to 2.54 metres at its narrowest point.
- 7.3.5. Guidance provided by Dublin City Council regarding minimum access widths for front driveways, recommends that at least 2.5 metres clear width is provided. I note that the proposed access arrangements are different to a front driveway although the principle remains similar, notably that sufficient width is provided to allow vehicle access. Whilst I acknowledge that the interim ramp and adjacent access would be narrow and that care would need to be taken by all vehicle users in terms of speed and manoeuvres, I am satisfied that the proposed widths are acceptable, particularly given the temporary nature of these arrangements and the relatively limited length of the ramp and adjacent lower deck access.
- 7.3.6. The applicant's response to the grounds of appeal included amendments to the proposed interim ramp in order to provide a level section of concrete where the interim ramp meets the existing access ramp, and I am satisfied that this suitably overcomes any issues with regards to potential damage to vehicles with low clearance levels. The swept path analysis demonstrates that access to the lower deck would be achievable and whilst no swept path has been provided for the upper level, I am satisfied that there is adequate room for manoeuvre given the removal of the parking space closest to the ramp.
- 7.3.7. The further information response also confirms that the existing pedestrian stairs would be removed and replaced with temporary steel stairs during the construction period, and I consider this to be an acceptable interim solution. I am also satisfied that signal controlled access to the car park would suitably manage access and egress to minimise impacts on vehicle users and pedestrians.

7.4. Other Matters

- 7.4.1. Both appeals raise concerns that the proposed development would prejudice the development potential of the adjacent sites. In terms of Velasco, this relates to the additional upper level glazed floor windows being located close to the boundary. This largely reflects the existing relationship between the appeal site and Velasco and I do not consider that this impedes the future development potential of Velasco which has already been redeveloped.
- 7.4.2. In terms of 7 Grand Canal, the appellant considers that the development potential of the building would be impeded by the north elevation of the proposed building, due to its design and location immediately on the boundary. I note the applicant's comments that both 7 Grand Canal and Velasco have built up onto parts of their respective boundaries and that this principle has already been established, however I consider that the appellant on 7 Grand Canal has raised a pertinent issue, particularly given that 7 Grand Canal would be the sole remaining undeveloped plot of this city block and that future development could take place above the parking deck. There is therefore a reasonable prospect that this site could come up for development in the future.
- 7.4.3. Nevertheless, I also consider it entirely reasonable that the applicant seeks to make the most efficient use of this inner city site. On this basis, should the Board be minded to grant permission, I am satisfied that the future development potential of 7 Grand Canal could be protected by way of minor amendments to the north elevation of the proposed development to substitute the glazing for aluminium panels, or another material to be agreed with the Planning Authority, to sixth floor level. Given that Velasco has been redeveloped, I do not consider it necessary that the scope of this condition should be applied to the entirety of the north elevation and instead it should refer only to that portion of the north elevation that immediately bounds the 7 Grand Canal Site. This would protect the development potential of 7 Grand Canal and would have minimal impact on the quality of the office space provided within the new development, which would continue to be well lit from the remaining windows on the north elevation and the northern lightwell within the scheme.
- 7.4.4. Issues have been raised regarding the varying separation distances given for the relationship between Velasco and the proposed development. The applicant has

stated that these will be confirmed by detailed survey, and I acknowledge that there is a minor discrepancy in the drawings. However, having reviewed the plans, I am of the view that the difference in separation distance is largely related to the fact that Velasco steps out from second floor level resulting in a different separation distance at lower floors compared to the upper floors. In any event, I am satisfied that development on this boundary would be wholly contained within the red line plan and note that Section 34(13) of the Planning and Development Act 2000 (as amended) clarifies that a person shall not be entitled, solely by reason of a permission under this section, to carry out any development.

- 7.4.5. As mentioned previously, the site is partially within the Zone of Archaeological Constraint for the Recorded Monument DU018-052 (grave slab), which is listed on the Record of Monument and Places and is subject to statutory protection under Section 12 of the National monuments (Amendment) Act 1994. This is located approximately 40 metres to the north west in a landscaped area off Love Lane. Whilst I note that the two level basement is existing and would be retained, the applicant has stated that some additional excavations would be required to facilitate the development. For that reason, I consider it prudent to impose a condition requiring an archaeological appraisal should the Board be minded to grant permission, in order that any archaeological heritage be suitably recorded and protected.

7.5. Appropriate Assessment

- 7.5.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 7.5.2. The applicant has submitted an Appropriate Assessment Screening Report (31st May 2022). This report considers the closest European sites to the appeal site and evaluates and screens the proposed development to assess if full Appropriate Assessment is required. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.

- 7.5.3. The applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites.
- 7.5.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects.
- 7.5.5. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006). Whilst there are other European sites within a 15km radius of the appeal site, I do not consider that they fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site, and the lack of an obvious pathway from the development site.
- 7.5.6. There are no watercourses running through the site although it is noted that the Grand Canal pNHA is located approximately 25 metres to the east of the site and as such there is a potential hydrological connection to the European sites of Dublin Bay. It is noted that the development would connect to public services and therefore, there is an indirect pathway to a number of European sites via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the Grand Canal, the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.
- 7.5.7. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage, increased noise, dust and vibrations, and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.

- 7.5.8. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP, although the increased loading would be minor in context. Dust, noise and vibration would be managed in line with the Construction Environmental Management Plan submitted with the application and required by condition, and I am satisfied that this represents best practice as opposed to mitigation for the purposes of Appropriate Assessment. The Development Plan has been subject to Appropriate Assessment by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. Whilst this project would marginally add to the loadings to the sewer, evidence shows that negative effects to European sites are not arising. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening
- 7.5.9. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.
- 7.5.10. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

8.0 Recommendation

- 8.1. From my assessment above, I consider that the Board should uphold the decision of Dublin City Council and grant planning permission for the proposed development, subject to conditions, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the Z6 zoning objective relating to the majority of the site, the fact that offices are an 'Open for Consideration' use on Z1 lands which also relate to the site, the nature and extent of the proposed development and the benefits of bringing forward an employment generating commercial use on a serviced urban site, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would improve the public realm, would not be prejudicial to public health or the environment, and would generally be acceptable in terms of design, traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9th day of September 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The north elevation of the development hereby approved shall be amended for the length of its boundary with 7 Grand Canal to provide aluminium cladding in lieu of glazing (or other material to be agreed with the Planning Authority) to sixth floor level.</p>

	<p>Revised drawings showing compliance with these requirements and proposed materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>The demolition of the existing buildings and the construction of the development shall be managed in accordance with a Demolition and Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practices for the development, including noise management measures, dust and vibration management measures, construction traffic/logistics, and a construction phase mobility strategy.</p> <p>Reason: In the interests of public safety and amenity.</p>
5.	<p>Water supply, flood risk reduction, drainage arrangements (including the attenuation and disposal of surface water), run off rates, installation of a petrol interceptor, incorporation of SUDS, and construction of manholes, shall comply with the requirements of the Planning Authority for such works and services. Full details to be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The development shall comply with the transport requirements of the Planning Authority in terms of restrictions on the use of car parking spaces, provision of electric vehicle charging spaces, the provision of cargo bike spaces, provision of a Mobility Management Plan, and the quantum and location of cycle parking on Mount Street Lower. Full details to be agreed in writing with the Planning Authority.</p>

	<p>Reason: To ensure a satisfactory standard of development.</p>
7.	<p>Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In the interest of residential amenity and clarity.</p>
8.	<p>An archaeological appraisal of the site shall be submitted to and approved in writing by the Planning Authority. Should the archaeological appraisal determine that there is archaeological heritage on the site, then the developer shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the Planning Authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
9.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development</p>

	Contribution Scheme made under section 48 of the Act be applied to the permission.
11.	Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without a prior grant of planning permission. Reason: In the interest of the visual amenities of the area.
12.	No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan
Senior Planning Inspector

8th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314983-22		
Proposed Development Summary	Demolition of buildings, construction of 4 to 8 storey building with retail, offices, gym and café/restaurant with all associated site works.		
Development Address	Site at Clanwilliam Court, Clanwilliam Place and Lower Mount Street Dublin 2.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	10(b)(iv) - Infrastructure Projects. Threshold >2 hectares.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	X	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - EIA – Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-314983-22	
Development Summary	Demolition of buildings, construction of 4 to 8 storey building with retail, offices, gym and café/restaurant with all associated site works.	
	Yes / No / N/A	
1. Was a Screening Determination carried out by the PA?	Yes	On the basis of the information submitted on the file, which the Planning Authority considered adequate in order to issue a screening determination, the Planning Authority consider it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Has Schedule 7A information been submitted?	Yes	The applicant has submitted Schedule 7A information in the Environmental Impact Assessment Screening Report (31 May 2022).
4. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report was submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Dublin City Development Plan 2022-2028.

Appendix 2 - EIA – Screening Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of development in the surrounding area, primarily comprising low to mid rise commercial buildings along Mount Street Lower, Clanwilliam Place and Grand Canal Street lower. Residential buildings of a similar scale are located on Love Lane immediately to the west of the site. The proposed development would provide development in an inner urban location that is not regarded as being of a scale or character significantly at odds with the immediate surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development would result in the site being wholly commercial, removing the existing vacant residential units. The site is brownfield in nature and as such the development would result in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. No significant topographical issues are evident.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No

Appendix 2 - EIA – Screening Determination

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances which are typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Construction Management Plan and Operational Waste Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan would satisfactorily mitigate the potential impacts. Asbestos will be removed by specialist contractors under controlled conditions in line with HSA guidelines. Operational waste would be managed through an Operational Waste Management Plan. Other operational impacts in this regard are not anticipated to be significant.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Operation of the standard measures listed in the Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site as required by Dublin City Council.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be</p>	<p>No</p>

Appendix 2 - EIA – Screening Determination

	localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health, including dust monitoring, suppression, and abatement. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in the population of workers in this area. The development would provide increased employment floorspace.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) both 2km to the east, the North Bull Island SPA (004006) approximately 4.5km to the north east, and the North Dublin Bay SAC (000206), approximately 4.5km to the north East. The Grand Canal pNHA (002104) is located approximately 25 metres to the east and the Royal Canal pNHA (002103) is approximately 1km to the north. The proposed development would not result in significant impacts to any protected sites, including those downstream.	No

Appendix 2 - EIA – Screening Determination

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site is within a Conservation Area and there are various Protected Structures nearby and the site is partially within the Zone of Archaeological Constraint for the Recorded Monument DU018-052 (grave slab), which is listed on the Record of Monument and Places and is subject to statutory protection under Section 12 of the National monuments (Amendment) Act 1994. However, the basement accommodation is in existence and suitable conditions regarding archaeological survey would appropriately mitigate any risk. The protected structures are located a sufficient distance from the development to ensure no significant effects.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features are in this inner urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>The development will implement SUDS measures to control surface water run-off as required by condition. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. The Grand Canal is located approximately 25 metres to the east of the site on the other side of Clanwilliam Place separated by public realm and road infrastructure. Discharge to the canal from surface water is unlikely to occur.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or</p>	<p>The site is served by a local road network. There are sustainable transport options available for future</p>	<p>No</p>

Appendix 2 - EIA – Screening Determination

which cause environmental problems, which could be affected by the project?	employees. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	[REDACTED]
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; • The location of the proposed office development on lands zoned within the Dublin City Development Plan 2022-2028 as Z6: Employment and Enterprise, the stated objective of which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation; and Z1: Sustainable Residential Neighbourhoods' with a stated objective 'to protect, provide and improve residential amenities' where office is a use that is classed as Open to Consideration; and the results of the Strategic Environmental Assessment of the Development Plan; • The nature of the existing site and the pattern of development in the surrounding area; 		

Appendix 2 - EIA – Screening Determination

- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Preliminary Construction Environmental Management Plan, and Operational Waste Management Plan. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____