Inspector's Report

ABP-319719-24

Development	Demolition of six-storey office building and basement; construction of mixed-use development ranging from 9 to 17 storeys in height and all associated site development works. An Environmental Impact Assessment Report and a Natura Impact Statement were submitted with the planning application.
Location	CitiGroup Building, 1 North Wall Quay, Dublin 1, D01 T8Y1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3274/24
Applicant	NWQ Devco Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party and Third Party
Appellants	First Party - NWQ Devco Limited

	Third Party – Clarion Quay Management Company CLG
Observers	Liam and Britt Miller Sinéad Kelly and Andrew MacLaren Ian Keogh Clarion Quay Management Company CLG.
Date of Site Inspection	24th April 2025 and 22nd May 2025.
Inspector	Terence McLellan

Contents

1.0 Site Location and Description

1.1. The subject site refers to the Citibank building located on North Wall Quay in the Docklands. The site measures approximately 0.88 hectares and has a main frontage onto North Wall Quay to the south, facing onto the River Liffey which is approximately 25 metres away. To the north the site is bounded by Alderman Way/Clarion Quay. This is a fairly narrow street connecting to Mayor Street Lower that provides vehicular access to the site and its basement as well as providing access to the basements of the adjacent seven storey apartment blocks at Nos. 8 and 12 Clarion Quay, and the six storey office building at New Century House.

1.2. The eastern boundary is immediately bounded by blocks 1-3 of Clarion Quay. These are eight storey apartment blocks with commercial uses at ground floor. The western boundary is marked by Commons Street and the adjacent buildings which include an eight storey hotel and an office building/carpark. Heights in the area are generally in the region of eight storeys, and the area is mixed use in character.

1.3. The existing Citibank building is six storeys in height, occupying the vast majority of the site. There is an existing basement car park accessed via a ramp on Clarion Quay. The existing building was constructed c.2000 as one of a series of blocks forming the International Financial Services Centre. In terms of public transport there are a number of bus routes available from North Wall Quay. Mayor Square Luas stop is approximately 300m to the north on Mayor Street Lower. Connelly and Tara Street Stations are approximately 600 metres away to the west and south-west respectively.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of the existing building and basement and redevelopment to provide an office led, mixed use development in a building ranging in height from nine to 17 storeys over lower ground floor level and two levels of basement. The building would be formed of four blocks comprising Block A (17 storeys), Block B (12 storeys), Block C (10 storeys) and Block D (nine storeys).

2.2. The development would incorporate retail/café/restaurant use at ground floor level. Three internal arts/cultural/community spaces would be provided, one at lower ground floor, one at first floor level and a viewing deck on level 16. A further external space would be provided in the form of a new landscaped park to the east of the site, providing a new pedestrian link from North Wall Quay to Clarion Quay. All remaining internal spaces would be in office use.

2.3. A total of 32 car parking spaces would be provided comprising two on-street spaces and 30 basement spaces accessed via car lifts from Clarion Quay. The basement would also accommodate 923 cycle parking spaces and 6 motorcycle spaces, all accessed from lifts on Clarion Quay. The development would provide terraces at levels 4, 6, 8, 9, 10, 11, 15 and 16. Green and blue roofs would be provided in addition to all other enabling works and ancillary development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission was issued by Dublin City Council on 16th April 2024 detailing the following three reasons for refusal:

1. The proposed development by virtue of its height and excessive bulk and scale would constitute an insensitive form of development adjacent to existing residential development, resulting in a significant and unacceptable loss of daylight/sunlight and resultant overshadowing to these properties and amenity areas, adversely impacting their residential amenity. The proposed development would therefore set an undesirable precedent, would devalue properties in the vicinity, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would constitute an overly dominant form causing serious injury to the visual amenities of the Liffey Quays; a (red hatched) Conservation Area. The proposed development would contravene Policy BHA9, Policy SC17, Section 15.2.2.2 and Appendix 3 Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity of the Dublin City Development Plan 2022-2028, adversely

impacting key views and vistas along the river corridor and the amenities of properties in the vicinity. The proposed development would therefore be contrary to the Z5 zoning objective and to the proper planning and sustainable development of the Conservation Area.

3. Having regard to the condition of the existing building and in the absence of a comprehensive justification for demolition where not all options were investigated, the proposed wholescale demolition would be considered premature and contrary to Policy CA6 and Section 15.7.1 of the Dublin City Development Plan 2022-2028 which seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction. The proposed development would set an undesirable precedent for wholescale demolition on similar sites across the city and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report was issued on the 16th April 2024 and contains the following points of note:

- The site is zoned Z5 which seeks 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', under which a mixed-use commercial and office development is permitted in principle.
- The existing building is c. 25 years old and in good condition. Concerns were raised regarding the proposed demolition at pre-planning consultation stage.
- There are concerns regarding the robustness of the Whole Life Carbon Assessment and the carbon footprint associated with construction waste disposal. The level of demolition and intervention to facilitate a refurbishment and extension may be less, with an increase in carbon savings, if a reduced scale and mass is considered.
- The Planning Authority are not satisfied that alternatives other than wholescale demolition were considered and there are serious concerns in

relation to the significant demolition proposed and resultant impacts where other alternatives have not been fully considered, and the potential precedent it could set for other buildings in the city of this scale.

- Arts/cultural/community use requirement of 5% of floorspace appears to be in compliance with CDP requirements, taking into account the external landscaped park. Engagement with the Gaiety School of Acting is welcomed.
- Plot ratio and site coverage are above indicative standards. The plot ratio at 7.45 more than doubles the maximum indicative standard and is likely an indicator of the significant scale of development proposed.
- The Planning Authority highlight that it was clearly communicated at the pre-planning consultation that a 17 storey building would be considered excessive inappropriate in this location. Further, the notion that the development of a landmark/tall building of this scale in this location should be considered in 'exceptional circumstances' was not accepted.
- The CDP is clear in terms of suitable locations identified for greater height in the SDRAs including locally higher and landmark buildings. Locations considered appropriate for landmark/tall buildings have been identified at a local policy level within existing LAPs and SDZs. The subject site is not identified as one of these locations.
- The site falls under the prevailing heights category of Appendix 3 of the CDP, with prevailing heights in the immediate vicinity being approximately eight storeys.
- The proposal would be 17 storeys and in excess of 76 metres tall which significantly exceeds the prevailing heights at this location. Whilst an increase in height with a taller element may be achievable on this site, the Planning Authority do not consider the proposal with its significant bulk and mass as appropriate given its context and proximity to both residential properties and a Conservation Area.
- The subject proposal, albeit 'divided' into 4 build elements, would provide a very significant volume of building on this site. Due to its scale, bulk and massing, the proposal would likely be visually dominant and overbearing,

adversely impacting on existing residential properties in addition to a negative visual impact on the Conservation Area.

- Only selected units in the neighbouring residential blocks have been assessed and there are serious concerns in relation to the reduction of sunlight to the shared amenity space.
- Windows of the blocks analysed are limited to the nearest section of the building to the site and do not include the existing balcony areas including those adjacent to the amenity area which are likely to be affected by the proposed development. All windows fronting the amenity space, including balconies which will be affected by the proposed development, should have been assessed.
- It is stated that only a small number of bedrooms would be affected, limited to bedrooms in Blocks 12 and 2. However, there are instances of apartments in Blocks 1-3 and Block 8 where the VSC results indicate that light availability to living/kitchen/dining room windows would reduce by more than 20% (albeit these are dual aspect apartments).
- The level of shadow created by the development impacts Blocks 1-3 to a greater extent than the existing building. There are serious concerns that the proposal would clearly reduce the availability of sunlight to adjacent residential properties and the existing shared amenity space.
- Daylight/sunlight impacts indicate that the scale and mass of the proposal is excessive, and it is noted that the proposed new landscaped park on the eastern elevation is likely to be in shadow for long periods during daytime.
- Due to the proximity of the new building to the residential blocks, and limited separation distance provided only by a laneway, the proposal is likely to have considerable overbearing impacts.
- Views towards the Custom House, the Docklands and along the River Liffey and Quays are likely to be significantly impacted by the proposed development. The visual impact of the proposal would be a very significant degree of change.

- The Planning Authority consider the finishes and materials to be of a relatively high standard and the interaction of the building at street level with its angular form and 'movement' would provide visual interest along the quayside.
- There are concerns with the proposed servicing arrangement and the ability to meet the servicing needs for a development of this scale. Whilst there is no objection to the surface level area on Clarion Quay being used for servicing, it is preferred that servicing is within the site itself, with priority given to pedestrians in this regard.
- Concerns are raised regarding the bicycle store access (form, location, layout), bicycle lifts are not considered appropriate for a development of this size and would lead to queuing and conflict with vehicles entering the car lifts.
- Car parking is excessive and should be reduced.
- The site is in Flood Zone B. Underground offices are not permitted. There is a lack of adequate information with regard to surface water management/flood risk and the Basement Impact Assessment is not acceptable.
- In terms of the EIAR, the Planning Authority consider that that there are a number of deficiencies in the information submitted and they do not consider that the majority of environmental effects arising as a consequence of the proposed development have been satisfactorily identified and assessed. Certain information contained in the chapters would require either clarification or additional analysis.
- Concerns with the EIAR relate to the Basement Impact Assessment, Uisce Éireann (separation distances and 'build over'), inadequate SUDS provision and consequent impacts on local drainage and biodiversity, climate (flood risk and wholescale demolition), traffic and transport (access, servicing, and NTA concerns).
- In terms of the HTLVIA, concerns are raised that more short range views were not included.
- There are concerns regarding the impact of the development on some long range views. Views of particular concern to the Planning Authority include La

Touche House (5), Custom House Quay (6), Talbot Memorial Bridge (7), O'Connell Bridge (9), Merrion Street South (14), Merrion Street upper (15), City Quay (18), Sir John Rodgerson's Quay (19), Samual Beckett Bridge (20).

- Having considered the HTLVIA, the Planning Authority consider that the proposed development by virtue of its height, scale, and massing would constitute an over-bearing, excessive and insensitive form of development which would likely result in serious injury to the visual amenities of the Liffey Quays.

3.3. **Other Technical Reports**

3.3.1. **Archaeology (21.03.24)**: No objection, conditions recommended.

3.3.2. **Drainage Division (12.04.2024):** The Drainage Division recommended that additional information be sought regarding the provision of underground offices in Flood Zone B in addition to a more comprehensive use of SUDS, noting that the current provision is insufficient. The Basement Impact Assessment is not considered to be acceptable, and it is submitted that revisions are required to address the following issues:

- Baseline ground and groundwater conditions.
- Impact on neighbouring structures and utilities.
- Key hazards and risks associated with the proposed basement.
- Basement construction sequence and interaction with existing basement structure and proposed temporary restraints.
- Ground movement and damage assessment.
- Impact on groundwater, including upstream and downstream of proposed basement.
- Cumulative impact of proposed basement.
- Mitigation measures for ground movements and groundwater impacts

3.3.3. **Environmental Health - Air Quality Monitoring and Noise Control (14.03.24):** No objection, conditions recommended.

3.3.4. **Transportation Planning Division (04.04.24)**: Concerns raised by Statutory Bodies and Third Parties are noted. The Transportation Planning Division raised concerns regarding bicycle parking and access (location, form, layout, capacity of the lift access), excessive car parking levels, and concerns with regards to servicing arrangements. The Transportation Planning Division recommended Further Information on the following points:

- Reduced levels of car parking.
- Revisions to cycle parking access (use of lifts), location of access (conflict with vehicular access/lifts), layout of cycle parking area (route and location), Form of cycle parking (reconsider proportion of double stackers), and provision of EV bike charging facilities.
- Revisions to servicing arrangements (pinch points, reduced footpath width, street clutter), examine the potential for full servicing within the footprint of the site, clearly demarcating servicing areas from pedestrian areas with sufficient pedestrian space when servicing is being undertaken on Clarion Quay/Alderman Way.
- Demonstration that no part of the structure overhangs the public footpath or encroaches/overhangs public land, including land to be permanently acquired by the NTA as part of the Ringsend to City Centre Core Bus Corridor Scheme.

3.4. Prescribed Bodies

3.4.1. **National Transport Authority (NTA) (28.03.2024):** Concerns raised regarding the bicycle parking access, including the inconvenience of bringing bicycles (particularly heavier and larger bicycles) through multiple doors in addition to the capacity of two lifts to accommodate peak hour arrivals by bicycle. Further concerns are raised regarding the proportion of two-tier cycle racks and the provision of car parking which could be further reduced by providing only accessible parking.

3.4.2. **Transport Infrastructure Ireland (TII) (13.03.2024):** The proposed development falls within an area set out in a Section 49 Levy scheme for Light Rail. The Section 49 scheme lists several exemptions where the levy does not apply. A Section 49

Contribution Scheme Levy condition should be imposed if the scheme is granted and not exempt.

3.4.3. **Uisce Éireann (28.03.2024 and 05.04.2024)**: Whilst conditions are recommended, Uisce Éireann also state in a follow up response that records indicate that there is an existing watermain and wastewater pipe within and/or adjacent to the development site. Build over of assets is not permitted and the separation distances as per Uisce Éireann's Standards Codes and Practices must be achieved. To ensure adequate provision of public water and wastewater services Uisce Éireann requests that Further Information is sought.

3.5. Third Party Observations

3.5.1. A total of seven Third Party observations were submitted to Dublin City Council in response to the planning application. These are summarised in the Planner's Report and are on file for the Board's information. The issues raised are generally consistent with the matters raised in the observations on the appeal which are set out in detail in Section 6.4 below.

4.0 Planning History

Subject Site

4.1.1. No planning history of specific relevance.

Surrounding Sites

<u>New Century House, Mayor Street Lower (immediately north of the appeal site)</u>

4.1.2. **ABP-308336-20 / Planning Authority Reference 2749/20**: Permission was granted by the Board in February 2021 for the refurbishment of the building to provide for a new façade treatment, provision of part double height reception space to the rear elevation, relocation of bank branch to the north east corner of the ground floor resulting in a change of use from office to bank, and change of use of former bank branch to office use at ground floor level.

<u>25-28 North Wall Quay (east of the appeal site)</u>

4.1.3. **Planning Authority Reference 4202/21**: Permission was granted by Dublin City Council in April 2022 for amendments to the permission granted under reference 3245/20.

4.1.4. **Planning Authority Reference 3245/20**: Permission was granted by Dublin City Council in December 2020 for refurbishment of the existing building to provide for a new façade treatment to all elevations, infill and extension of the building along the southern boundary resulting in an additional c.668sqm, extension to office accommodation at ground floor level to the western side of the building comprising c.150sqm, infill of existing accessible terrace at 5th floor level on the northern elevation c.119sqm, provision of 2 no. additional floors (3,690sqm) increasing the overall height of the building from 6 no. storeys (23.67m) to 8 no. storeys (31.7m). The proposed development will result in an increase in gross floor area from 15,798sqm (including basement of 3,708sqm) to 21,065sqm (including basement of 3,708).

5.0 Policy Context

5.1. National Policy and Guidance

The National Planning Framework First Revisions April 2025

5.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. A number of National Policy Objectives (NPO) are of relevance, including:

- NPO 4 - A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- NPO 13 - Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity

- NPO 20 - 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.
- NPO 22 - In urban areas, planning and related standards including, in particular, building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- NPO 69 - Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.

Climate Action Plan (CAP) 2025

5.1.2. The CAP 2025 is the third annual update to Ireland's Climate Action Plan and should be read in conjunction with CAP2024. Its purpose is to lay out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. The plan seeks to halve Ireland's emissions by 2030. It aligns with the legally binding economy- wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

5.1.3. 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.

The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

5.1.4. The guidelines seek to: Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and, Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment

5.1.5. The purpose of the Guidelines is to provide practical guidance for Planning Authorities and the Board (competent authorities) on legal and procedural issues and matters of interpretation arising from the amended Directive, which should result in greater consistency in procedures adopted by competent authorities in the planning system.

5.2. Regional Policy

Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands area (adopted June 2019)

5.2.1. 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.

5.3. Local Policy

Dublin City Development Plan 2022-2028

5.3.1. The zoning objective for the subject site is Z5 which seeks 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'

5.3.2. The front part of the site onto North Wall Quay is designated as a red hatched Conservation Area (Liffey Quays).

5.3.3. The site is located within SDRA 6 – Docklands. Section 13.8 of the CDP notes that building heights in the area vary considerably. Suitable heights for any given site are influenced by urban design principles with regard to existing built context, national guidelines, conservation issues and setting. The SDRA has clear locational advantages that support some increased height in appropriate locations (having regard to the Ministerial Guidelines). Appropriate locations for enhanced height within key sites are identified. In some more limited locations where the planning context is suitable, locally higher buildings of greater height and landmark buildings can be appropriate, and positions for these buildings are clearly described for key sites. The CDP notes that all new development of increased height compared to the existing context must accord with the specific performance criteria as set out in Appendix 3 of this development plan.

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

- CA6: Retrofitting and Reuse of Existing Buildings - To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.
- CA10: Climate Action Energy Statements - All new developments involving 30 residential units and/or more than 1,000sq.m. of commercial floor space, or as otherwise required by the Planning Authority, will be required to submit a Climate Action Energy Statement as part of the overall Design Statement to demonstrate how low carbon energy and heating solutions, have been

considered as part of the overall design and planning of the proposed development.

5.3.5. 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 vision for the urban form and structure of the city is to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Section 4.5.4 deals with increased building height and refers to Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City). The relevant policies from this chapter include:

- SC5: Urban Design and Architectural Principles - To promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.
- SC6: Docklands - To recognise the distinctive character of the Docklands regeneration area and to work with the relevant authorities to increase connectivity with the city centre and its environs.
- SC14: Building Height Strategy - Building Height Strategy To ensure a strategic approach to building height in the city that accords with The Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular, SPPR 1 to 4.
- SC16: Building Height Locations - Recognises the need for increased building height in identified locations (including city centre and SDRAs) subject to the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.
- SC17: Building Height - Sets out guidance for proposals with increased scale/height in order to protect and enhance the skyline of the city.
- SC18: Landmark/Tall Buildings - Promotes a co-ordinated approach to the provision of landmark/tall buildings in order to prevent visual clutter or

cumulative negative visual disruption of the skyline and that such proposals comply with the performance based criteria set out in Appendix 3.

- SC19: High Quality Architecture - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.
- SC21: Architectural Design - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character, and which mitigates and is resilient to, the impacts of climate change

5.3.6. 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:

- CEE7: Strategic and Targeted Employment Growth - To promote strategic and targeted growth of strategic development areas and corridors in accordance with the RSES and MASP with a focus on the city centre, the Docklands, the Outer City and Key Urban Villages and Neighbourhood Centres/Urban Villages.
- CEE9: The Docklands - To support the continued regeneration of the Docklands area and its development as a leading centre of people intensive high tech and services based business.
- CEE19: Regeneration Areas - To promote and facilitate the transformation of Strategic Development and Regeneration Areas (SDRAs) in the city, as a key policy priority and opportunity to improve the attractiveness and competitiveness of the city, including by promoting high-quality private and public investment and by seeking European Union funding to support regeneration initiatives, for the benefit of residents, employees and visitors.
- CEE21: Supply of Commercial Space and Redevelopment of Office Stock - (i) To promote and facilitate the supply of commercial space, where

appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses. (ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

5.3.7. Chapter 8 relates to sustainable movement and transport. It promotes a modal shift towards sustainable modes of transport with reference to the compact city model. It is stated that a strong car-parking policy in the city has been instrumental in changing travel behaviour and promoting sustainable development. Figure 8-1 identifies Tara Street as the city centre interchange between the existing DART services and proposed Metrolink.

5.3.8. 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 include:

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

5.3.9. 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:

- BHA9: Conservation Areas - To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect

and enhance the character and appearance of the area and its setting, wherever possible.

5.3.10. Chapter 12: Culture, notes that cultural infrastructure is a key social asset that must be planned for in the same way as water supply, transport, parks and built heritage. The Plan aims to provide for a vibrant and sustainable cultural sector and associated cultural infrastructure to meet the needs of the city acknowledging that this will be achieve through public and private investment. Relevant objectives include:

- Objective CUO25: SDRAs and Large-Scale Developments - All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage….

5.3.11. 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
- 15.5.4: Height
- 15.6: Green Infrastructure and Landscaping
- 15.6.2: Surface Water management and SuDs
- 15.6.3: Green/blue Roofs
- 15.6.12: Public Open Space and Recreation
- 15.7: Climate Action
- 15.7.1: Re-use of existing Building
- 15.14.4: Office
- 15.15.2.2: Conservation Areas
- 15.16: Sustainable Movement and Transport
- 15.18: Environmental Management

5.3.12. 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.

5.4. Natural Heritage Designations

5.4.1. The nearest European sites are:

- South Dublin Bay SAC – 2.5km east
- North Dublin Bay SAC - 4.4km east
- South Dublin Bay and River Tolka Estuary SPA – 1.5km east
- North Bull Island SPA 4.54km east
- North-West Irish Sea cSPA – 6.3km east/north-east.

6.0 The Appeal

6.1. First Party Grounds of Appeal

6.1.1. A First Party Appeal has been received from John Spain Associates, for and on behalf of the Applicant, NWQ Devco Limited, against the decision of Dublin City Council to refuse planning permission for the proposed development. The appeal is accompanied by the following documentation supporting the grounds of appeal:

- Appendix 2: Compliance with Appendix 3 of the Dublin City Development Plan (John Spain Associates, Henry J. Lyons Architects, and City Designer).
- Appendix 3: Response to Policies and Objectives (John Spain Associates).
- Appendix 4: First Party Submission (Henry J. Lyons Architects).
- Appendix 5: Architectural Drawings, Schedules and Document Register (Henry J. Lyons Architects).

- Appendix 6: Response to Notification of Decision to Refuse Permission (City Designer).
- Appendix 7: Daylight, Sunlight and Overshadowing Report (BPC Engineers).
- Appendix 8: Response to Refusal (Building Performance) (BPC Engineers).
- Appendix 9: Appeal Response (Transport) (CS Consulting).
- Appendix 10: Appeal Response (Drainage, Flood Risk, Basement Impact Assessment, and response to Uisce Éireann) (CS Consulting).
- Appendix 11: Letter from Arthur Cox regarding height, landmark buildings and exceptional circumstances.
- Appendix 12: EIAR Response (AWN Consulting).
- Appendix 13: Addendum to Chapter 3 of the EIAR regarding alternatives and Option 3 submitted as part of the appeal (AWN Consulting).

6.1.2. The principal grounds of appeal in response to the Planning Authority's reasons for refusal are summarised below:

Reason 1

6.1.3. The Applicant has submitted a report prepared in collaboration with Henry J. Lyons Architects and City Designer, titled Compliance with Appendix 3 of the Dublin City Development Plan 2022-2028. This is included at Appendix 2 of the grounds of appeal. The Applicant submits that the development would satisfy the performance criteria set out in Table 3, Table 4, and the Exceptional Circumstances criteria detailed in Appendix 3 of the CDP in relation to the Building Height Strategy.

6.1.4. The grounds of appeal acknowledge that the site is not designated for a landmark building but argues that this does not preclude the provision of such a building on this site, having regard to compliance with the performance criteria of Appendix 3 of the CDP.

6.1.5. The Applicant considers that the site is an appropriate location for increased height/density and a landmark building. In reaching this conclusion, the Applicant submits that the immediate area has a pattern of medium and higher density developments, that the site is located at a point of significance on the River Liffey where it widens towards its estuary, and that the site is centrally located and highly

accessible by a range of transport options and would encourage further regeneration of this area of the city.

6.1.6. It is submitted that site coverage complies with the indicative CDP range and that the criteria for increased plot ratio is satisfied, having regard to public transport provision, strategic location within the city, attractiveness of the office floorspace and having regard to other developments in the area. The Applicant considers that the development makes best use of the city's limited land supply with a mix of uses/spaces that would contribute to the area's character, identity, and would be appropriate to its location and context.

6.1.7. The building has been designed to ensure that the scale would be appropriate to the surrounding context, that it would enhance its urban environment and to mitigate effects on townscape and landscape. The high-quality architecture, community uses, landscape design, new green public spaces, and new pedestrian streets/public realm improvements, would re-activate and improve this stretch of the River Liffey and it is argued that the development would improve permeability and legibility.

6.1.8. The development would not harm the significance of nearby Protected Structures and would enhance their immediate setting. When visible from heritage assets, the proposal would form part of their wider setting and create positive effects. The quality of the architecture overcomes any potential harm to heritage settings and the impact on landscape and townscape would be positive. The development would not have a detrimental effect on strategic views and important visual corridors in central Dublin.

6.1.9. The design and facades are high quality, modern, elegant and formed by a group of stepped volumes in the form of a cluster of varied elements which creates an interesting skyline. The building has been designed with flexibility and adaptiveness in mind and the focus of the proposal is on quality, sustainability, robust methodologies, advanced materials, and smart technologies to create a future proofed smart building suitable for climate changes. The shell and core would be energy and resource saving and surface water attenuation and green/blue roofs have been provided.

6.1.10. Significant public gain is provided, incorporating a range of arts/community/cultural space including the Liffey Experience, an interactive public gallery at level 16, and an external landscaped terrace with panoramic views. An arts/cultural space is also

provided to the rear at ground and lower ground floor which could potentially be used by the Gaiety School of Acting.

6.1.11. The development is viable/implementable, strategically important for the office market, and would meet the needs of large future global occupiers. There would be an increase in employment and further positive impacts on the local community through the new public space and the range of uses proposed.

6.1.12. Daylight and sunlight impacts on nearby residents would be limited to a small number of bedrooms where there would be a minor adverse impact in terms of access to skylight and sunlight, noting that current daylight levels are low and that artificial lighting is used, which would continue to be the case post development. Impacts would be reduced when accounting for overhanging balconies and amenity spaces would remain compliant with BRE standards.

6.1.13. Revisions have been submitted as part of the appeal which incorporate setbacks on the eastern façade at levels 6, 7, and 8. These have been tested in terms of impacts on daylight and sunlight and townscape.

Reason 2

6.1.14. The surrounding area has undergone significant development and regeneration since the existing building was constructed and redevelopment of the site would be a significant improvement.

6.1.15. The only directly relevant enhancement opportunities are parts 3 and 4 of Policy BHA9. These have been satisfied by the provision of a new landscaped park and provision of a carefully considered building form which responds to its docklands riverfront setting, contributes positively to local streetscape character and public realm, makes a positive contribution to the Dublin cityscape, and marks a strategic location where the river widens towards its estuary.

6.1.16. The development creates no adverse effects to the significance or setting of nearby Protected Structures or Conservation Areas and would enhance the significance of the River Liffey corridor due to its exceptional design and position, providing a stronger, more coherent context for the Protected Structures along North Wall Quay and would become part of the emerging townscape of larger buildings both inside and outside of the Conservation Area.

6.1.17. The building improves the public realm of the quays, makes a more active frontage, and enhances character through four distinctive elements of architecture. The proposal includes a significant public offering and a mix of uses in a high density development that is well located for public transport.

6.1.18. Whilst not a site allocated for a tall building, the exceptional architecture is justified under Table 4 of Appendix 4 of the CDP. The development would comply with the criteria for exceptional cases by contributing to the legibility of this part of the Liffey Quays and complying with the relevant performance criteria, offering a unique landmark building with beneficial public realm and public access.

6.1.19. It is submitted that the local area would be reinvigorated, legibility improved, and creation of a sense of place. Key views are not likely to be significantly impacted other than by the addition of a high quality prominent building with top floor public offering.

6.1.20. The Planning Authority considered the proposed materials and finishes to be of a high standard and that the building would provide visual interest along the quayside.

6.1.21. The HTLVIA categorises the sensitivity of the character area as being medium, the area has undergone significant change in years past, the development would be high quality and would bring enhancements and the overall effect on the character of the area is moderate and positive. No historic trees would be removed.

6.1.22. The zoning objective is to sustain life within the city centre through intensive mixed use development and the proposed development provides a dynamic mix of uses both vertically and horizontally. The proposed landscaped park to the east would be a significant public gain for the surrounding area and together with the other uses would improve connections, create activity, and bring activation to the buildings.

Reason 3

6.1.23. Demolition is justified on the basis that the existing building would not be considered to fully comply with the current regulations and best practice guidance and is unsuitable to effectively support todays work environment.

6.1.24. Higher density can be achieved in the new building, facilitating a greater number of people working from the building, improved sustainability and a reduced overall carbon footprint. In terms of ‘New Build’ versus a ‘Retain and Extend’ option. The

new build option offers a safer approach to completing the project, more control over environmental nuisances, more opportunity to reuse crushed concrete and avoid landfill, improved structural safety, reduced potential environmental impacts, and improved management of logistics.

6.1.25. The absence of a secant pile wall presents a number of safety issues, and it is not clear if the existing building can be significantly adapted in terms of structural performance. Significant temporary works may be required.

Additional Supporting Information

6.1.26. Appendix 4 is a response from Henry J. Lyons Architects setting out the proposed design modifications to the scheme and their impacts in terms of reduced height/massing, daylight/sunlight, and overbearing impacts.

6.1.27. Appendix 6 is a response from City Designer to the second reason for refusal.

6.1.28. Appendix 7 is an updated Daylight and Sunlight Assessment by BPC Engineers. In summary, the assessment concludes that there would be no significant impacts.

6.1.29. Appendix 8 is a response on building performance from BPC Engineers relating to issues raised regarding the demolition of the existing building and the associated embodied carbon effects. In summary, the response states that refurbishment would be costly in both financial and carbon terms and would not deliver an optimum operational low carbon building. Smaller scaled buildings were not considered as the location of the site promotes higher density development. Increased density would increase public transport use and cycling/walking which would result in a lower environmental impact per person and the new build would have benefits in terms of space utilisation, adaptability, efficiency and sustainable design.

6.1.30. It is stated that the existing building was not built with sustainability in mind and refurbishment would make meeting best in class ESG requirements more difficult. Further benefits of a new build are highlighted in terms of marketability and tenant action, cost savings, Corporate Social Responsibility, occupant health and productivity, regulatory compliance, long term resilience, environmental impacts, innovation and technology adaptation.

6.1.31. According to the Whole Life Carbon Assessment for the Built Environment, new build projects are considered to commence their development on a cleared, flat site for

consistency purposes. This means that demolition works are often decoupled from new construction projects. As a result, the carbon emissions associated with the demolition of the existing building are not included in the life carbon assessment on the new building.

6.1.32. The total carbon emission due to the demolition is calculated to be 12,878 kgCO2, which is a negligible when compared to the total carbon emissions for the building construction. The additional volume required for the new building's basement is around 40,000 m3. The additional carbon emission due to the excavation and disposal of the material is 322,225 kgCO2. This is taken into account in the difference between the emissions associated with the A5 LCA stages for the new building and the refurbish option.

6.1.33. Appendix 9 sets out a response to the transport concerns raised by the Planning Authority. In terms of servicing an amended proposal for a loading bay within the building curtilage is proposed and the two parking spaces originally shown on Clarion Quay can be modified to another external loading bay/set down area and temporary parking for refuse vehicles. Bicycle access has been amended to accommodate an internal bicycle stair with wheel ramp in addition to a bicycle lift, relocated to a point further west on Clarion Quay at a greater separation from the proposed car lift access, with further opportunities to refine the route between accessways and the bike store to be taken at detailed design stage. Bicycle storage, servicing, charging and end of trip facilities would also be provided. Car parking is now proposed at 30 no. spaces (7 no. spaces for arts/cultural/community use, 3 no. accessible bays, and 20 no. spaces for pool car parking for the office) with 50% provided as EV spaces and the remainder future proofed.

6.1.34. Appendix 10 is a response to drainage issues by CS Consulting, specifically responding to Flood Risk (Appendix A), Basement Impact Assessment (Appendix B), and SUDS. In terms of Flood Risk updated finished floor levels and freeboard are provided and it is stated that the site would be located in Flood Zone C. It is submitted that the development would be less vulnerable, that a justification test is not required and that lower ground floor uses are now deemed appropriate. In terms of the Basement Impact Assessment, it is concluded that basement construction would have a negligible impact on: surrounding structures and Protected Structures; vertical groundwater movement; and cumulative impacts on groundwater regime in

the wider area. It is further concluded that there would be no negative impact on the biodiversity of the surrounding area. In terms of SUDS it is submitted that measures have been proposed, including extensive and intensive green roofs, blue roof rainwater attenuation and rainwater harvesting. It is stated that a holistic SUDS solution is proposed and that a pre-commencement condition would be appropriate.

6.1.35. Appendix 11 is a letter from Arthur Cox LLP responding to building height and exceptional circumstances. In summary, the letter raises concerns with the Planning Authority's assessment and considers that failure on the part of the Board to engage in an analysis in respect of exceptional circumstances would be a failure to take into account a relevant consideration. The letter considers that the development complies with the exceptional circumstances criteria of Appendix 3 and would comply with SPPR 1 of the Building Height Guidelines, which it is noted that the Board are required to have regard to. It is further submitted that there has been no new DCC assessment of the potential for sites (such as Docklands SDRA and North Wall Quay) to accommodate increased heights/landmark buildings following the issue of the Building Height Guidelines, and that existing sites were simply reidentified.

6.1.36. Appendix 12 is a response from AWN Consultants to the Planning Authority's concerns regarding the Environmental Impact Assessment Report in addition to Appendix 13 which assesses the amended scheme proposed as part of the appeal (Option 3). Additional assessment has been undertaken for:

- Chapter 5 – Land, Soils, Geology, and Hydrogeology (including a revised Basement Impact Assessment).
- Chapter 6 – Hydrology.
- Chapter 7 Biodiversity.
- Chapter 8 – Climate.
- Chapter 12 – Traffic and Transportation.
- Chapter 14 – Material Assets

6.1.37. In summary, no additional significant effects have been identified. I will address these matters in detail in the Environmental Impact Assessment section of the report.

6.2. Third Party Grounds of Appeal

6.2.1. A Third Party appeal has been submitted by Clarion Quay Management Company CLG. At the outset, the Third Party appeal raises concerns regarding the Applicant's failure to respond to issues raised in the pre-application consultation. It is also submitted that the proposal:

- Fails to accept the zoning criteria for additional height which requires mixed residential and other uses.
- Does not acknowledge the working basements of Clarion Quay Estate and the importance of Alderman Way and Clarion Quay as an access for emergency services and as a right of way to access Clarion Quay Estate.
- Does not provide adequate drawings (sections, elevational detail, comparison drawings) and supporting information
- Fails to acknowledge the provision of offices and cultural space in a basement in a flood risk zone.
- Provision of a plot ratio more than twice the maximum permitted and does not comply with criteria for increased height in this zone.
- Directly proposes a material contravention of the CDP.
- The planning register has 130 separate drawings and documents, there was difficulty in finding key documents putting Third Parties under considerable pressure and is not an equitable system.

6.2.2. Quantum and Height

- The proposed office space would be approximately 2.5 times larger than the current building and 1.7 times the existing largest floorplate at Spencer Place.
- The proposed quantum is offered on the premise that the current building is not fit for purpose and that next generation office space is needed in Dublin to attract investment, notwithstanding the current surplus.
- Proposed building heights contravene the zoning objective. Taller buildings can be considered in specific locations and the Planning Authority have been clear that the proposed height is not acceptable, rejecting the argument that the site is suitable for a landmark/tall building.

- The CDP has carefully designated appropriate areas for large floorplates and the height and mass of the building are indicative of overdevelopment.
- A minimum of 5% arts/community/cultural space is provided. This is not met within the building and the deficit is provided in the form of a community park.

6.2.3. Deficient Information

- Much of the information submitted is incomplete, critical metrics have been omitted and analysis specifically requested by the Planning Authority were not submitted, making it impossible to assess the likely impact of the proposed development.
- There are deficiencies in the application drawings, no distances beyond the site boundaries are provided, the southern side of the River Liffey is omitted on some drawings and buildings around the site are not named.
- No buildings or streets are shown beyond the site boundaries, there are inconsistencies in drawing graphics, spot heights are not consistently shown, separation distances are not provided, dimensions are incomplete, and no comparative floorplate/building line drawings are provided.
- Key sectional drawings are missing, including short sections to show the relationship with Clarion Quay.
- Neighbouring residential buildings on Clarion Quay are only shown in outline on some elevations and by dotted lines on others. The buildings are not identified. It is also submitted that the plans do not show the two access points to the Clarion Quay basement carparks.
- Deficiencies in detail and information on the drawings make it difficult to assess the impact of the development on immediate neighbours and at the scale given it is not possible to assess elevational details and finishes.

6.2.4. Building Heights and Separation Distances

- The only indication of gross heights of Clarion Quay are given as spot levels but these blocks have varying heights, and the blocks concerned are not identified. It is practically impossible to assess comparative building heights.
- Only distances within the site boundary are shown. No separation distances are shown between the building and neighbouring Clarion Quay blocks.

6.2.5. Daylight and Sunlight

- Clarion Quay was completed after the Citigroup building and was designed with height and density designations in mind and to maximise access to daylight and sunlight.
- The proposed development negates the design aspects of Clarion Quay with regards to daylight and sunlight. The Daylight and Sunlight Report contains minimal analysis of the effects on Clarion Quay and is deficient, as noted by the Planning Authority. There would be amenity impacts in terms of overbearing, overshadowing and the loss of light.
- The Applicants make their case on the basis that that many of the affected windows already have low levels of light and would use artificial lighting. This is contrary to the BRE that states sustainability is a factor that should inform analysis of sunlight and daylight.
- The model used in the Part L Compliance Assessment is considerably more detailed than the model used in the daylight and sunlight assessment.
- There are Right to Light issues.
- There is no assessment of the scheme performance.
- Impacts on surrounding properties has not been assessed in line with BRE methodology. All of the lowest buildings within 235.95 metres of the development should be assessed by applying the 25 degree rule.
- No data in relation to Annual and Winter Probable Daylight (sic) hours has been provided.
- The area defined as neighbouring residential amenity achieves exactly the minimum requirement of 50% but appears to be substantially truncated to the south. It may be that the 50% requirement would not be met if the full extent of the garden were used for the measurement.
- Overshadowing diagrams are presented in two hourly increments when an hourly breakdown would be more informative.
- The models used lacks detail, plant and screening elements are missing.
- Blinds are required on the southern façade as the solar glare limits of the design were exceeded.
- No account has been taken of the potential for the development to cause solar dazzle or glare.

- The concave nature of the south facing façade has the potential to cause solar convergence.

6.2.6. Overlooking and Overbearance

- The building is mostly glazed, and separation distances are not provided. There may be a loss of privacy to the dwellings in Clarion Quay.
- There is potential for substantial overbearance.
- The proposal is overdevelopment as indicated by plot ratio and building heights. This would overwhelm Clarion Quay and deprive residents of their existing amenity.

6.2.7. Basements, Potential for Flooding, and SUDS

- The basements of Clarion Quay are not shown on any of the drawings or accompanying reports.
- The Planner's Report clearly states that the site is in Flood Zone B and underground offices are not permitted in the area.
- There are concerns regarding the extent of the proposed basement development, the Clarion Quay basement car parks have not been factored into the calculations and the documentation should not be relied on, particularly in relation to flood risk, future flooding events, water uplift of structures and potential damage to surrounding structures and property.

6.2.8. New Century House Permission

- Condition 4 of this permission required that there be no plant to the roof in order to protect the residential amenity of adjoining residential units.
- Condition 5 required that all servicing be from the south west and not Alderman Way. There are parking issues that are being addressed but this does not address the enforcement of the condition regarding service access.

6.2.9. Alderman Way and Clarion Quay

- Clarion Quay Estate have a Right of Way over Alderman Way. Parts of Alderman Way are in the ownership of the Applicant, and Clarion Quay Estate have rights of access to their basement carparks from Clarion Quay. Access should be unhindered on a day to day basis.

- There is a designated parking and drop off zone for the creche in Clarion Quay Block 9/10, this is a required amenity provision. The Pedestrian access ramp and steps to Clarion Quay are not clearly shown on the drawings.
- Unregulated use of the street for servicing/delivery causes ongoing issues, impedes access, and compromises safety.
- The TTA does not accurately report the current issues on Alderman Way and Clarion Quay. And there is no assessment of congestion and long term effects of the increased quantum of vehicles generated by the development.
- The proposed traffic light system to manage access to the car lifts of the proposed development would have a direct effect on Clarion Quay and access.
- The proposed access arrangements conflict with the proposed bicycle lifts.
- Having regard to peak traffic generation it is submitted that there would be considerable congestion and restricted access to the Clarion Quay Estate.
- The building will potentially accommodate multiple office users, uses and visitors and it is submitted that the service and delivery access is not sufficient and would not accommodate future demand. The existing issues on Alderman Way and Clarion Quay indicate inability to accommodate the current Citigroup building.

6.2.10. Community Park

- A substantial portion of the park is unusable or constrained/narrowed due to the location of bicycle stands, outdoor seating for the café/retail unit, lightwells and raised planters. The northern end of the park is directly adjacent to the vehicular access.
- The community park is given as 23% of the overall arts/cultural/community use requirement, however, the plans do not include detailed measurements of the skylight, and the quantum therefore cannot be confirmed.
- The park would largely be in shadow from the proposed development as the sun moves from direct south. Clarion Quay Block 1/2/3 will affect sun in the early part of the day.

- No daylight/sunlight modelling has been presented for the park. There would be considerable overshadowing which would reduce its attractiveness and amenity value.
- The provision of a narrow, poorly lit corridor may increase anti-social behaviour, cause nuisance, and become unsafe. The central and upper portions have no surveillance.
- The Pedestrian Wind Comfort Analysis show conditions that are not aligned with the specific uses (such as standing grade at the sun loungers) and it is noted that the junction of the proposed park and North Wall Quay is categorised as 'unsafe frail'.

6.2.11. Planner's Report and DCC Departmental Reports

- It is not clear from the Planner's Report if a site inspection was made. Requests for Further Information indicate a lack of necessary analysis and detail in the application.
- In considering the Planner's Report, there is difficulty distinguishing sections put forward by the Applicant and the Planner's analysis and conclusions.
- Concerned that the Planner reports that extra height might be permitted but does not emphasise the restrictive conditions in the CDP.

6.3. Applicant Response

6.3.1. A First Party response to the Third Party appeal has been received. The response has been prepared by John Spain Associates, acting on behalf of the Applicant and includes the following relevant appendices:

- Appendix 2: Additional Response Submission (CS Consulting).
- Appendix 3 Response to Points Raised in the Third Party Appeal (BPC Engineers).

6.3.2. The substantive points made in response to the grounds of appeal can be summarised as follows:

6.3.3. Daylight and Sunlight

- The Daylight and Sunlight Assessment considered Blocks 1-3, 8 and 12 of Clarion Quay. This concluded that impacts would be limited to a small number

of bedrooms where there would be minor adverse effects with respect to skylight and sunlight.

- An additional assessment was submitted as part of the appeal, assessing windows fronting the amenity space and including balconies. The BRE notes that windows with balconies above them typically receive less daylight and even modest obstructions may result in a large relative impact on VSC and on the area receiving direct skylight.
- When balconies are taken into account, the overall effect is limited to a handful of bedrooms and effects would be minor adverse.
- It is reiterated that the shared amenity space would retain 50% of the area receiving at least two hours of sunlight on the 21st March and that this achieves the BRE recommendation.
- The assessment has been undertaken in line with both the BRE and Appendix 16 of the CDP. Assessments/methodologies applied to residential properties are not relevant to commercial properties.
- The proposed park achieves 64.07% of the space achieving at least two hours sunlight on the 21st of March and therefore complies with the BRE recommendations.
- To have significant solar dazzle/glare, elements of the façade would have to be mirror glazed or have convex/concave elements but this is not the case with the proposed building.
- It is incorrect that that the assessment should have been included to cover all buildings within a 235.9 metre radius of the site. The updated report expands the analysis for neighbouring buildings until there is no effect.
- The creche amenity space has been considered and would remain fully compliant with the BRE, with 100% retention.
- An hourly shadow analysis has been provided, this shows some additional shadow between 12:00 and 14:00 on the 21st March. On the 21st June the building does not cast any significant amount of shadow on the neighbouring amenity space.
- The proposed building would exceed national regulatory standards and achieve voluntary sustainability standards such as LEED and will be key in attracting the best companies to invest in Ireland.

6.3.4. Basement Flood Risk Assessment

- Concerns regarding the Clarion Quay Estate basements are noted however, it is generally understood that neighbouring properties and their structure would be examined in more depth at detailed design stage and through the construction process of the new structures proposed. The final design and construction sequence shall not undermine or cause damage to any existing neighbouring structure.
- Sufficient freeboard would be provided above the 1,000 and 200 year flood event. It is submitted that the site would be located within Flood Zone C and lower ground floor uses would now be deemed appropriate.

6.3.5. Access to CQE Basements

- The proposed development does not entail any significant change to the alignment or cross section of Clarion Quay and there is no intention by design to interfere with the buildings' existing access and servicing arrangements.

6.3.6. Traffic Congestion on Clarion Quay and Alderman Way

- Parking and traffic issues arise due to an apparent lack of enforcement, lack of existing servicing facilities, and due to the traffic generation of all surrounding buildings and are not primarily attributable to the existing office building.
- The Applicant intends to take reasonable measures to deter un-disciplined street parking in areas under its control but does not have the power to enforce parking restrictions in other areas. This would form a key consideration of the Construction Management Plan.
- In terms of traffic generation, the Appellant states that there would be 75 movements in the morning peak. The development would potentially give a projected 48 movements in the morning peak.
- The car lifts have the capacity to process approximately 60 vehicles an hour, this exceeds projected demand and potential for queuing is considered to be negligible.

- Design modifications create a further off-street waiting area between Clarion Quay and the lifts which does not impact the access to the off-street servicing and set-down area.

6.3.7. Access to Bike Lift

- An alternative arrangement has been proposed, providing an internal bike stair with wheel ramp and relocating the bike lift further west to avoid conflict with the car lift. This could be secured by condition.

6.3.8. Insufficient Servicing and Delivery Access

- Servicing arrangements can be modified by condition through the provision of a loading bay enclosure off Clarion Quay, within the building's curtilage.
- The two parking bays shown on Clarion Quay could be modified to another external loading bay/set-down area for refuse collection and taxi-drop off.
- Subject to the suggested modifications, the development would be a significant improvement over the existing building's servicing arrangements.
- A Delivery and Servicing Management Plan would be provided, including several measures to minimise negative impacts on the road network (scheduling of deliveries, off-peak service delivery, enforcement measures etc).

6.3.9. Insufficient Information on Architectural Drawings

- Drawings submitted with the application are in accordance with the regulations and were considered valid by Dublin City Council.
- It would not be possible to include drawings on the southern side of the River Liffey at the required scale of the drawings, and it is not a requirement to label any surrounding buildings.
- Additional section drawings were submitted as part of the appeal.

6.3.10. Quantum and Height

- A document prepared by John Spain Associates, Henry J. Lyons Architects, and City Designer was submitted with the First Party Appeal (Appendix 2). This demonstrates how the proposed development is compliant with the performance criteria outlined in Table 3 and Table 4 of Appendix 3 of the CDP.

6.4. Planning Authority Response

6.4.1. No response on file.

6.5. Observations

6.5.1. A total of four observations have been received in response to the First Party appeal as detailed below:

6.5.2. Sinéad Kelly and Andrew MacLaran – Clarion Quay

- The Applicant's submission fails to address the substantive reasons for refusal. The design changes are minimal, and the proposal still contravenes the CDP (building heights and Conservation Areas).
- There is no compelling planning or urban design rationale for the acceptance of this scheme and no exceptional circumstances exist. The site is not designated for a tall/landmark building.
- The site is no more outstanding than any other location in the docklands or along the Liffey Quays.
- The existing building is at an appropriate scale and fits in well with/enhances the quality of its immediate environs. A tall/landmark building would be inappropriate as the site is not designated for large scale regeneration and redevelopment and it would adversely affect the character of the area due to height, scale and mass.
- The proposal overstates the urban design credentials of the development on the notional idea of a landmark building, it is driven by maximising rentable floorspace.
- It is excessive in height, bulk and scale and would damage the appearance and character of the Liffey Quays, would contravene the Conservation Area status, and would be out of scale with the surrounding context.
- The proposal would be contrary to current environmental policies. The existing building represents an enormous embodiment of energy.
- The increase in the in capacity of the basement would have a major impact on traffic congestion in the area and would encourage the use of cars for commuting. Parking provision should be reduced rather than expanded.

- If upgrading was essential to attract a new occupier to the building, which is not yet 25 years old, then retrofitting and refurbishment would be preferable to its demolition, which has been achieved on other buildings.
- The scale of the building would be inappropriate in the vicinity of existing residential blocks and would be contrary to the Dublin Docklands Masterplan.
- There would be significant impacts on Clarion Quay, creating significant overlooking, shadowing, and reduced quality of living conditions.
- The creation of a pedestrian walkway and potential café to the east gives no consideration to the impacts on west facing bedrooms of Clarion Quay through increased disturbance from commercial activities and pedestrians.
- The creation of an additional basement level in an area at risk of rising sea levels.
- There would be impacts in terms of noise and dust during demolition and construction (and associated vehicles).
- The scheme contravenes local, national, and supra-national environmental policies. To grant permission would set a dangerous precedent and would bring Irish urban land-use planning into disrepute.
- A ten year permission is problematic and highlights the deficiencies in this planning appeal, it would lead to significant disruption and make it difficult to sell an apartment and move somewhere more peaceful.

6.5.3. Liam and Britt Miller – Clarion Quay

- Property was purchased in the knowledge that it was centrally situated in a predominantly residential area in a grouping of newly constructed buildings with specific intended uses, all of which have been constructed in the last 25 years.
- There have been a number of initiatives to renew structures to achieve better energy performance and meet environmental targets/commercial market demands without adversely affecting the overall balance of the immediate area.
- The amendments submitted in the appeal make this a materially different project to that refused by Dublin City Council and they should be rejected or be the subject of a new planning application.

- The modifications do little to address previous concerns.
- The proposal (and amended scheme) would be detrimental to the amenity of residents. There would be a loss of limited existing green space as well as increased overshadowing and a loss of daylight/sunlight.
- The daylight and sunlight assessment is deficient, there is no relevant analysis of sunlight impacts.
- The building would be taller and would come much closer to existing homes on Alderman Way. The amenity of this roadway is already limited.
- Uninterrupted access for residents and emergency services along Alderman Way should be conditioned.
- The extended length of the project would have environmental impacts for residents/occupants in terms of noise, dust, contaminants, high intensity lighting, extended working hours, traffic volumes and road closures etc. All site access should be from North Wall Quay.
- Alderman Way would effectively become an alleyway for delivery trucks and taxis. The road is already often restricted by cars and other vehicles unlawfully parked. It is unlikely that the daily traffic of the development can be accommodated.
- Reference to out of hours deliveries is unacceptable on a roadway immediately beside homes.
- Alderman Way has not been taken in charge, its governance is already inadequate and unsafe and not being managed with consideration to residents. There would be no independent management or control of this space to protect resident and wider public rights and safety during works.

6.5.4. Ian Keogh – Clarion Quay

- Revised scheme proposed as part of the appeal should be a new application. It does not address the main issues.
- There has been no improvement in the accuracy of completeness of reports (such as daylight and sunlight). This omits critical analysis of the proposal on a wide range of physical and environmental impacts.
- There would be injurious amenity impacts. If the development existed. Clarion Quay would not be permitted due to compliance issues.

- The proposed building line would be closer to Clarion Quays and would have impacts on daylight and sunlight as well as removing an area of open space/planting.
- It is not possible to clearly evaluate the daylight/sunlight impacts based on the information submitted.
- The sustainability analysis does not take a retrofit option seriously, there would be an enormous amount of wasted and new embodied carbon.
- The Board should seriously question whether the 'Green' awards, strategy and analysis provided by the Applicant truly reflects what would occur and whether it achieves what is required to meet the European Directives and Irish Climate Act.

6.5.5. Clarion Quay Management Company

- Changes made as part of the appeal do not address the main issues and are such that a new application has been put before the Board. These have not been analysed by the Planning Authority and then made available to the public, depriving third parties of the Planning Authorities wealth of skills and expertise.
- Should the Board consider the amendments then there would be a deficit in due process and fairness.
- Deficient assessment of the environmental impacts and the last-minute changes proposed create a deficit in public information and the basis for a Judicial Review.
- The Board has only given 28 days to assess the appeal and the amended scheme, putting pressure on the Planning Authority and third parties who rely on the Planning Authority analysis.
- There are deficiencies in the information submitted. No reference is made to Clarion Quay basement and car park entrances or whether there is sufficient freeboard to change the Flood Risk Category to allow the proposed below ground uses in addition to potential flooding impacts on the basements of Clarion Quay.
- The proposal is a private development, and the visual impact assessment ignores views from the local area.

- The Applicant fails to acknowledge the impacts on the existing mixed-use Clarion Quay, that the existing Docklands Development has provided for a balance of uses and that an increase in height is dependent on the requirement for a substantial residential element (Appendix 3 of CDP).
- Unbalanced single use would have knock on effects for the already inadequate regional transport infrastructure.
- Traffic surveys are deficient and do not report on unauthorised parking and the resulting congestion. Citibank occupants have blocked off the authorised service bay for use by private cars, thereby adding to traffic issues.
- Proposed servicing arrangement is deficient.
- Daylight, sunlight, and overshadowing impacts have not been fully assessed.
- There would be impacts on existing residential and other uses in terms of health, amenity and property values.
- The linear park is eroded by the entrance to the bicycle parking and the extent of the basement lightwell.
- Elevation drawings and sections are small scale and inadequate making it difficult to assess the proposals.
- The development is speculative, bland, and lacking architectural innovations or civic landmark functions.
- The request for a ten-year permission suggests a premature speculative proposal that does not account for current or future sustainability requirements or definitive/final testing and analysis of the current site conditions.
- The solicitors letter repeats the Applicant's views and does not give a fair and unbiased legal opinion.
- In terms of visual impact, the geometries referred to by the Applicant between Trinity College and Merrion Square do not exist and there is no historic or current connection between the site and these locations.
- Dublin's low-level skyline preserves the integrity of the Georgian Core and provides true legibility to the city centre. The careful siting of tall buildings as per the development plan and previous decisions in clusters demarcating contemporary hubs within the city are strategic to consolidating this.

- The site is not designated as appropriate for a landmark building, it would be contrary to the CDP and good urban planning/placemaking and would set a dangerous precedent for commercially driven development in inappropriate locations.
- The site is not a strategic location on the River Liffey, the change in the river happens between Custom House and George's Dock and is clearly demarcated by Sean O'Casey bridge and the Cupola of the Custom House.
- The design does not give equal weight to all facades of the building.
- The scheme does not contribute to permeability. The proposed thoroughfare is compromised, and true permeability would have included access through the buildings.
- The amendments do not address the effect of the proposed building on the entire Clarion Quay Estate and only partially addresses the issues on block 1/2/3.
- Contextual drawings, sections and elevations are still deficient, and some drawings are missing, such as the north façade showing the changes to the east elevation.
- The existing building could be retrofitted to achieve a higher performance/desirable building. The proposal is for demolition ahead of lifespan and is at odds with national and EU obligations and commitments to reduce carbon emissions.
- Economic justification is based on the required floorplates. Other offices have either cancelled plans for extension or have undertaken refurbishment/extension.
- Despite providing updated information on freeboard adjustments, the Applicant still fails to acknowledge neighbouring basements. A full analysis would include impacts and likely counter measures being needed in Clarion Quay Estate.
- Concur with the Planner's observation that asset values are likely to be negatively impacted by the proposal and this would remain the case with the amended scheme.

6.6. **Further Responses**

6.6.1. None.

7.0 Assessment

7.1. At the outset I would draw the Board's attention to the amendments submitted as part of the appeal that seek to address concerns raised by the Planning Authority and Appellant. The most substantive change is the introduction of set-backs on the eastern façade of Block D at levels 6, 7 and 8. These have been tested in terms of daylight and sunlight as well as being considered in updates to the Heritage, Townscape and Visual Impact Assessment. Further amendments include reconfiguration of the cycle parking access and the introduction of a loading bay area. In my opinion, the amendments are not significant or material in the context of the scheme as a whole and I am fully satisfied that they can be considered by the Board as part of the appeal. I will address them where relevant in my assessment below.

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land Use and Zoning
- Design, Height, Scale and Massing
- Visual Impact
- Sustainability
- Amenity
- Basement and Flood Risk
- Transport and Traffic
- Other Matters

7.3. **Land Use and Zoning**

7.3.1. It is stated in the grounds of the Third Party Appeal that the proposed development would be contrary to the zoning objective of the site on the basis that the proposed height is excessive for the location and that the zoning criteria for additional height requires a residential component. I will deal with the matter of height in detail in later sections of this report.

7.3.2. The site is zoned Z5: City Centre, the stated objective of which is '*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'*. In terms of land use, the proposal would be an office led mixed use development incorporating retail/café/restaurant, in addition to community/arts/cultural space. The majority land use would be offices, and no residential use is proposed. All of the proposed uses are permissible under the zoning objective. I note that the Planning Authority raised no objections in this regard and considered the development to be acceptable in principle.

7.3.3. Section 14.7.5 of the CDP sets out further detail on the Z5 zoning objective and states that '*Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage'*, and that '*In the interests of promoting a mixed-use city, it may not be appropriate to allow a mono office use on Z5 zoned lands, particularly on large scale development sites. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development*'.

7.3.4. I note that the development does not provide residential use, however, the policy does not set a clear mandatory requirement for the inclusion of residential, stating that it should be provided rather than must be provided. Having regard to the city block within which the subject site is located, I note that there is already a significant proportion of residential use, and whilst the proposed development would see the proportion of office and non-residential floorspace increase, I do not consider that it would lead to any detrimental imbalance of use or a loss of vitality. As such, I am of the view that the development is acceptable in land use terms.

<u>Arts/Cultural Space Provision</u>

7.3.5. It is stated in the grounds of the Third Party appeal that the CDP requirement for a minimum of 5% arts/cultural/community space is not met within the building and is reliant on the inclusion of the new park. Objective CUO25 states that all large scale developments above 10,000sqm in total area must provide a minimum of 5% community, arts and culture spaces of predominantly internal floorspace as part of their development.

7.4. The Applicant proposes to meet the 5% arts/culture/community space requirement through the provision of various internal and external spaces, including two Gaiety Acting School spaces at lower ground floor and ground floor, in addition to the proposed 'Liffey Experience' public exhibition and gallery area at ground floor, 1st floor and Level 16 Penthouse. The majority of the offer would be internal space and together with the proposed public park, which equates to 23% of the offer, the cumulative spaces would meet the 5% requirement based on net floorspace and I note that the proposal was considered acceptable to the Planning Authority. In my view the offer is acceptable and meets the requirements of the policy objective.

Design, Height, Scale and Massing

7.4.1. The Planning Authority's first reason for refusal relates to the height, bulk and scale of the proposal which is considered to be excessive and would constitute an insensitive form for its location close to existing residential development, resulting in significant amenity impacts on daylight and sunlight and devaluation of property. These views are shared by the Appellant and observers on the appeal who raise significant concerns regarding the height, scale and massing of the development in this location in addition to potential amenity impacts.

7.4.2. The Applicant considers the building's design, height/massing and range of uses to be appropriate to its context, arguing that the requirements of the Council's Building Height Strategy have been met, and that the development would satisfy the performance criteria set out in Table 3, Table 4, and the Exceptional Circumstances criteria detailed in Appendix 3 of the CDP in relation to the Building Height Strategy. It is stated that the development would have minimal amenity impacts on daylight and sunlight and that the development would have positive benefits in terms of employment and through public realm/open space provision. The Applicant has provided a detailed assessment against the relevant criteria of Appendix 3 of the

CDP. I have had full regard to this in my assessment below which considers the issue of compliance with the guidelines. Amenity impacts are addressed in full in section 7.6.

7.4.3. The NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. The NPF is clear that the assessment of building height should be based on performance criteria that seek to achieve well-designed high quality outcomes.

7.4.4. The Building Height Guidelines (2018) indicate that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout. The Building Height 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, and in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

7.4.5. Th requirements of the Building Height Guidelines are consistent with the provisions of Dublin City's building height strategy which is contained within Appendix 3 of the CDP. For the avoidance of repetition, I will consider the development against the relevant provisions of Appendix 3 and will refer back to the Building Height Guidelines as and when relevant.

7.4.6. At the outset I would acknowledge that SPPR1 of the Guidelines requires Planning Authorities to explicitly identify areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development and shall not provide for blanket numerical limitations on height. In line with the Building Height Guidelines, the CDP does not impose height limits and clearly identifies areas appropriate for additional height in Section 4.

7.4.7. As set out in Section 4, the site is in SDRA 6 - Docklands which is considered generally suitable and appropriate for accommodating a more intensive form of development, including increased height. The CDP clearly identifies areas where increased building height will be actively pursued, with Figure 13.9 of the CDP

providing an overview of SDRA 6 and explicitly setting out locations for additional height, including locally higher buildings and landmark buildings. The CDP notes that larger sites (2ha and over) offer the greatest potential for such buildings, as these larger sites are more able to set their own context than smaller sites.

7.4.8. Appendix 3 of the CDP identifies three general categories of height including prevailing height, locally higher and landmark/tall. Heights in the immediate vicinity of the site are generally in the order of eight storeys.

7.4.9. Locally higher buildings are defined as 'buildings that are significantly higher than their surroundings and are typically up to 50 metres in height. Higher buildings can act as Local or District landmarks'. Landmark buildings are further defined as buildings that are 'a significant intervention in the cityscape and skyline. They are typically located in an area that denotes a specific function such as a public transport interchange or a key urban quarter/ regeneration site. Landmark/tall buildings are typically in excess of 50 metres in height, of exceptional architectural quality, can help people navigate through the city and form memorable reference points'.

7.4.10. The subject site is not identified as a location suitable for either a locally higher building or a landmark building. I note the view of the Applicant that although the site is not designated for a landmark building, this does not preclude the provision of such a building on this site, having regard to compliance with the performance criteria of Appendix 3 of the CDP. The relevant performance criteria are set out in Tables 3 and 4 of Appendix 3. I have had regard to these criteria in my assessment below:

Table 3 of Appendix 3

Objective	Assessment
1. To promote development with a sense of place and character.	There would be some positive impacts for the local community, such as the provision of a new public park and pedestrian connections which could contribute to healthy placemaking. The design of the facades onto North Wall Quay would be distinctive and the site is well located for public transport and in an area of local increased land use intensity. The façade treatment on North Wall Quay is generally successful in preventing the development from appearing overly monolithic, however, the

	development in terms of height and massing, would not complement the existing and established urban structure. The site and its constituent and neighbouring city blocks were redeveloped in the past 25 years or so, with a certain consistency/relationship in terms of scale and massing. The proposed development would be significantly taller and of a much greater mass than the immediate and wider townscape, bringing a much more intense character of development to the area. In my opinion, the overall height and massing would be excessive for this location having regard to both the immediate and wider townscape and context.
2. To provide appropriate legibility.	The development would improve connectivity by way of the route provided through the new park. In this respect, the proposal would reflect and reinforce the role and function of streets and enhance permeability.
3. To provide appropriate continuity and enclosure of streets and spaces.	The development would provide a strong street edge and would offer enhancements of North Wall Quay at street level. I am also satisfied that the building would offer adequate surveillance and street level animation/activity. However, the scale and massing of the development is such that it would be overbearing on streets and spaces, most notably on Commons Street and Alderman Way where, particularly in terms of Alderman Way, I consider that the building would be excessively overbearing. In terms of the building height to street width ratio, I note that the Applicant states that this would be met on the east side of the development (at Clarion Quay) and to the south fronting the River Liffey. No mention is given to Alderman Way or Commons Street where, based on my calculations, the range would indeed be exceeded.
4. To provide well connected, high quality and	The development would provide a new park which is a benefit of the scheme, and the development would enhance the public realm on North Wall Quay with additional tree planting, improved

active public and communal spaces.	pavement widths and provision of cycle parking as well as level access. I note concerns raised by observers and the Appellant that this would be an overshadowed space, but I consider that it would meet BRE requirements and that wind microclimate conditions would be acceptable. However, I share concerns related to the overall quality of the space which is significantly compromised by the large basement lightwell. Further concerns regarding the daylight and sunlight to the shared amenity space at Clarion Quay are set out in Section 7.8 below and it is clear that there would be a significant degree of overshadowing.
5. To provide high quality, attractive and useable private spaces.	Private terraces are provided and, in my opinion, they are suitably sized with good opportunities for landscaping and the provision of safe and accessible spaces appropriate to modern office use. Some isolated microclimate effects in terms of wind are noted for the balcony spaces for frail users. In my opinion this could be improved by additional planting and screening which could be secured by condition and is a common occurrence on taller buildings and can be appropriately mitigated. In terms of overlooking, the relationship between the building facades and adjacent dwellings is already established. However, the design and increased scale of the building is such that this would be much more intense than the current situation albeit not entirely untypical of inner urban areas, in my opinion.
6. To promote mix of use and diversity of activities.	Whilst a mix of uses is provided, the overwhelming use of the site would be offices. Retail/café/restaurant use would be very small by comparison, as would the arts/cultural/community space. Whilst the development would technically be mixed use, most people's perception of the development would be as a large office scheme. That being said, given the surrounding uses, I consider the proposed range and quantum of uses to be acceptable on balance, particularly given the existing mono-use

	on site and the availability of shops/restaurants and housing in the immediate vicinity.
7. To ensure high quality and environmentally sustainable buildings.	I address amenity impacts and potential effects on the daylight, sunlight and overshadowing of adjacent buildings/spaces in Section 7.8 below, noting that I have significant concerns regarding the impact on the Clarion Quay apartments and amenity space to the immediate north of the development. There are no minimum requirements for daylight within general office buildings under the BRE Guidelines and I consider that the scheme itself would have adequate access to daylight and sunlight. Floorplates are large and flexible, assisted by the provision of two cores, which could feasible become four, providing an appropriate level of adaptability. Two levels of basement are provided which would accommodate significant plant and I am satisfied that roof plant has been minimised and appropriately located/screened. Materials appear to be robust and high quality and could be further secured by condition in addition to an appropriate construction methodology. Sustainable technologies have been incorporated, including PV panels. SuDS have been incorporated, and a Flood Risk Assessment and assessment of embodied carbon were submitted with the application and are considered in Sections 7.9 and 7.7 of this report.
8. To secure sustainable density, intensity at locations of high accessibility.	The site is well located for public transport being located 300m from the nearest Luas stop, 600m from Busáras and Connelly Station, and 650m from Tara Street Station. Bus routes are provided adjacent to the site on North Wall Quay in addition to a Dublin Bikes bicycle hire station. The scheme has certainly optimised the development footprint, largely maintaining that of the current building. Car parking is reduced over the existing provision and could be reduced further

	given the site location. Adequate provision has been made for servicing, taking into account the scheme revisions as part of the appeal.
9. To protect historic environments from insensitive development.	The application includes a Heritage, Townscape, Landscape, and Visual Impact Assessment (HTLVIA) which I have considered in full in Section 7.6 of this report. In summary, I have concerns regarding the impact of the development on key views and the overall impact on the Conservation Area/Liffey Quays.
10. To ensure appropriate management and maintenance.	The Applicant confirms that the proposed development would include a management company that would deal with management and security services for the building. A similar company would be assigned to take charge of the operation and maintenance of the development. Access to the lifts serving the office floors would be controlled by a series of turnstiles.

7.4.11. Additionally, performance criteria are specifically provided in Table 4 of Appendix 3 for the assessment of proposals for Landmark Tall Buildings. I have considered this as follows:

Table 4 of Appendix 3

Objective	Assessment
1. Exemplary Architecture	The application and appeal are accompanied by a comprehensive suite of documents outlining the proposed design and materials, as well as photomontages and views. A Site Lighting Report has been submitted. The design was arrived at following a large number of iterations although it is noted that a design competition was not held. Facades have an acceptable level of articulation particularly on North Wall Quay which is fitting for its location. In my opinion, the design and architectural treatment of the building on North Wall Quay is of a high standard and would be engaging on the main frontages. Roofscape design of the

	tallest element would be of sufficient quality and public access would be provided which would be a benefit of the scheme. However, the building form and layout fails to have adequate regard to its surrounding context, even with the scheme amendments proposed as part of the appeal and I am of the view the height, bulk and massing are at odds with both the immediate and surrounding townscape, presenting an overly prominent, dominant, and isolated tall building.
2. Sustainable design and green credentials	The issue of sustainability and embodied energy is considered in detail in Section 7.7 of this report and a Climate Action Energy Statement has been submitted. A Part L Compliance Assessment was provided, and the building would achieve a BER A3 rating. The design is suitably flexible for future occupiers. High efficiency plant is proposed, as are PV panels. As outlined in Table 3 above in response to objective 7, I am also satisfied that the design is flexible and could be adapted over time.
3. Public realm	The application provides new public open space to the east as well as new pedestrian connections and an improved street level environment. Details of hard and soft landscaping are provided and are generally considered acceptable. Public entrances are legible and accessible. Overall, the street environment on North Wall Quay would be improved.
4. Environmental impacts	Daylight/sunlight, noise, and microclimate are considered in detail in other sections of the report (Section 7.8) Section 8 below also sets out an Environmental Impact Assessment and is informed by the Environmental Impact Assessment Report (EIAR) submitted with the application. Bats are considered in the Biodiversity section of the EIAR Section 9 covers my Appropriate Assessment of the proposal having regard to the NIS submitted with the application.

5. Public safety and functional impacts	The building would conform with building regulations and standards including fire safety, accessibility, thermal performance, environmental and ventilation services, lift wait times, adequate lobbies, circulation, and disabled refuge space, additional and/or enlarged stairwells, daylight and external views, provision for new plant areas, sanitary services, end of journey facilities and telecommunications services upgrades. Firefighting lifts would be provided. A Site-Specific Flood Risk Assessment has been submitted, and the development is considered suitable for the site. A Telecommunications Report and Aeronautical Assessment Report have been submitted with no significant issues identified. A management company would be in place to deal with services, security, operation and maintenance. Entrances and lobbies are appropriately designed and sized for peak time use and would ensure no overcrowding of the public realm. Public transport capacity has been assessed and would be able to cope with the proposal. Transport is considered in detail in Section 7.10 below.
6. Visual impact and cityscape analysis	The application is accompanied by a Landscape and Visual Impact Assessment, and this is expanded upon further in the appeal submission. A comprehensive selection of views and photomontages was also provided. This issue is addressed in detail in Section 7.6 of the report.
7. Tall building clusters	The site is not located in or adjacent to any tall building clusters nor does it form a tall building cluster of its own. In my view, the building would be an isolated tall building that would be at odds with its immediate and surrounding environment in townscape terms.

7.5.1. I note the Applicant's view that the Planning Authority erred in terms of site selection for landmark buildings in the SDRA by adopting the previous CDP site selection. I consider that this matter is outside the scope of the appeal, the CDP has been formally adopted by Dublin City Council following all appropriate consultation at draft stage when concerns regarding this issue should have been voiced. As previously mentioned, the site is not identified in the CDP as being suitable for either a locally higher building or a landmark/tall building. Appendix 3 of the CDP at page 236 states that there is a general presumption against landmark/tall buildings outside of the locations specifically identified as being suitable for the provision of same, unless in exceptional circumstances and where it can be demonstrated by the Applicant that there is a compelling architectural and urban design rationale for such a development. In such exceptional cases, all of the following criteria must be demonstrated:

7.5.2. Criteria: That the landmark/tall building complies with all of the performance criteria set out in Table 4.

7.5.3. **Response:** As set out above, the proposal fails to comply with objectives 1, 2, 6 and 7.

7.5.4. Criteria: The landmark/tall building/s will emphasise a point of particular civic of visual significance and that such a proposal will contribute in a meaningful way to the legibility of the city and contribute positively to the skyline. Any such proposal for a landmark/tall building must be supported by a detailed spatial analysis demonstrating that the design and location of the landmark/tall building is appropriate and optimal.

7.5.5. **Response**: The site is not located at a point of civil or visual significance. The Applicant argues that the location is significant on the basis that the River Liffey transforms from a narrow river to a broad straight river as it approaches its estuary. Whilst an interesting proposition, I am not convinced that this is a point of significance that would be recognised by most Dubliners in the same way as being located at a major transport interchange or convergence of routes, a bridge head, or a significant public building/civic space etc. Furthermore, as stated by the Appellant, the main widening and re-orientating of the river takes place further upstream at the Talbot

Memorial Bridge and is largely complete by the time the river reaches the subject site.

7.5.6. Criteria: The landmark/tall building will act as a strategic intervention, a catalyst for regeneration and make a significant economic or cultural contribution. The landmark/ tall building proposal must also demonstrate that it is economically viable and implementable in the lifetime of the plan.

7.5.7. **Response:** Although located within an SDRA, the site and its surroundings have already been regenerated in the last 20-25 years. Whilst regeneration of the Docklands is still ongoing, this is mostly on larger sites to the east, located at a significant remove from the subject site. In my opinion, having regard to the site location and surroundings, the proposal would not be a catalyst for regeneration and whilst the provision of office space is economically beneficial, there are other more appropriate sites for a building of this size.

7.5.8. Criteria: That the landmark/tall building is located in an area with excellent high frequency, high capacity public transport accessibility and excellent pedestrian and cyclist infrastructure. The onus will be on the Applicant to demonstrate the capacity of public transport and the quality of existing links between public transport and walking and cycling infrastructure and the site.

7.5.9. **Response:** I am satisfied that the development would comply with this criterion.

7.5.10. Criteria: The landmark/tall building will bring significant planning gain to the community.

7.5.11. **Response:** Whilst there would be planning gain in the form of the new park and the arts/community/cultural space, I do not consider that it would be so significant as to warrant approval of the building. Furthermore, I have concerns with the quality of the new park which in my opinion is compromised by the presence of plant and large lightwell and reduced planting options, which effectively makes the space a pedestrianised street as opposed to a park, albeit noting that it would still be an improvement on the current situation.

Conclusions on Design, Height, Scale and Massing

7.5.12. The overall design of the proposal in terms of façade quality and architecture is undoubtedly high quality on the North Wall Quay frontage. However, the site is not

identified as being suitable for either a landmark building or a locally higher building and the excessive height, bulk and massing of the proposal would result in an isolated and overly dominant form of development that would be at odds with its surroundings. Having regard to the provisions of the Building Height Guidelines, the performance criteria of Appendix 3 (Tables 3 and 4) and the mandatory criteria set out above, I am of the view that the proposal would be unacceptable in terms of its height, scale, bulk and massing and that permission should be refused on this basis.

7.6. **Visual Impact**

7.6.1. The second reason for refusal relates to the visual impact of the development and it is the view of the Planning Authority that the overly dominant form of the proposed development would cause serious injury to the Liffey Quays and would adversely affect key views and vistas along the river. These concerns were shared by the Appellant and observers.

7.6.2. Appendix 3 includes 'Section 6 Guidelines for Higher Buildings in Areas of Historic Sensitivity' which relates back to the Building Height Guidelines, and notes that developments of significant height and scale are generally not considered appropriate in historic settings including Conservation Areas, Architectural Conservation Areas, the historic city centre, the River Liffey and quays etc. Whilst the purpose of Conservation Areas is to protect and enhance the special character and setting, it does not preclude appropriate forms of new development. Figure 4-1 of the CDP covers Key Views and Prospects and includes views along the River Liffey.

7.6.3. The application was accompanied by a Heritage, Townscape, Landscape and Visual Impact Assessment (HTLVIA) as part of the submitted EIAR, including updated information to account for the amended scheme proposed as part of the appeal. I have considered both in my assessment which should be read in conjunction with Section 8 of the report, relating to EIA which also addresses the HTLVIA.

7.6.4. The site is partially within the Liffey Quays Conservation Area. There are no Protected Structures located on the site itself. There are several Protected Structures in the wider vicinity, including most prominently, the Customs House located to the west. There are also Architectural Conservation Areas in the wider

setting at O'Connell Street in addition to the historic city core. The site is therefore located in a prominent and sensitive location.

7.6.5. In assessing heritage and visual impacts, the HTLVIA has included a suite of 22 views that have been assessed in terms of the completed development and potential cumulative developments. A list of the views is provided in Section 8.16. I have considered all of the presented views in my assessment. In the interests of brevity my report will only address those views where I believe there would be significant adverse impacts.

View 3 - Sheriff Street Lower

7.6.6. Whilst I do not find this view harmful in wider townscape terms, I am drawings the Board's attention to it as, in my opinion, it illustrates the excessive bulk of the proposal in comparison to its immediate surroundings. View 3 in particular demonstrates the bulk and overbearing nature of the development that would be experienced by the immediate neighbours to the north at Clarion Quay and Alderman Way. In many respects this view reinforces the point made by the Planning Authority that short range local views should have been provided. I agree with this point and I'm of the view that shorter range views taken from Commons Street, Alderman Way and Mayor Street would highlight the overbearing nature of the development on its immediate residential neighbours to the north.

View 7 – Talbot Memorial Bridge

7.6.7. Again, the excessive bulk and isolated nature of the proposal is evident in this view. The proposed building is by the far the tallest and most dominant form in the view and the lack of appropriate transitions is evident. The other tall building in this view marks the entrance to Grand Canal Dock, the proposal marks no such point of significance and its overly assertive intrusion into the view is not warranted.

View 9 – O'Connell Bridge

7.6.8. The proposal dominates this important view eastwards along the River Liffey through its excessive height, scale, and bulk. The form and massing of the building is such that the tallest element at 17 storeys does not appear sufficiently slender and it appears as a wall of development on the skyline.

View 18 – City Quay/Sean O'Casey Bridge

7.6.9. Whilst the differing design of the facades is more evident in this view and in some respects the tallest element is more successful given the architectural treatment of the façade, which does have a slenderising effect, the transition in scale to neighbouring city blocks is stark and the development appears at odds with the surrounding townscape. The isolated nature of the proposal is evident in this view.

View 19 – Sir John Rodgerson's Quay

7.6.10. In this view the articulation of Blocks A-D is more evident, however, the markedly different height, scale and bulk of the proposal is such that it would be significantly out of context with this area of the quays and would be an overly dominant form.

View 20 – Samuel Beckett Bridge

7.6.11. The excessive bulk and form of the development is illustrated in this view. The wider river prospect clearly demonstrates the isolated nature of this tall building, and it becomes clear that there isn't anything significant about the location to justify this intervention. The contrast in scale between the proposal and the surrounding buildings is clearly evident and entirely out of context.

7.6.12. Having regard to the provisions of Appendix 3 of the CDP and Section 6 of the appendix where it is stated that developments of significant height and scale are generally not considered appropriate in historic settings, including Conservation Areas and the River Liffey, I am satisfied that the views presented demonstrate that the proposal would be an isolated and overly dominant form that would have an adverse impact on the Liffey Quays in visual amenity and townscape terms due to the excessive height, bulk, massing and form of the development. On this matter I find that the proposal would be contrary to the provisions of Appendix 3 and Policies BHA9 and SC17 of the CDP.

7.7. **Sustainability**

7.7.1. The third reason for refusal relates to the demolition and replacement of the existing building which the Planning Authority do not consider to be sufficiently justified. It is the view of the Planning Authority that all options for the development of the site were not considered and that the wholescale demolition would be premature and contrary to Policy CA6 and Section 15.7.1 of the CDP which seek to promote and support the retrofitting and reuse of existing buildings rather than their demolition

and reconstruction. It is submitted that the proposed demolition would set an undesirable precedent for similar sites across the city.

7.7.2. These concerns are generally reflected in the observations where it is stated that the existing building could be retrofitted to meet the occupiers needs and achieve a higher performance. It is further stated that the proposal for demolition ahead of the building lifespan would be at odds with national and EU obligations and commitments to reduce carbon emissions.

7.7.3. The Applicant considers that demolition is justified as the existing building would no longer be considered not to fully comply with the current regulations and best practice guidance and is unsuitable to effectively support today's work environment. Further justification is argued on the basis that higher density can be achieved in the new building, facilitating a greater number of people working from the building, improved sustainability and a reduced overall carbon footprint. It is submitted that the new build option offers a safer approach to completing the project, more control over environmental nuisances, more opportunity to reuse materials and improve structural safety with an overall reduction in potential environmental impacts.

7.7.4. The existing building is approximately 25 years old, currently occupied, and appears to be in good condition and working order. The design and appearance of the building does not have any negative impacts on the townscape or visual amenity of the area or the quays.

7.7.5. A Whole Life Carbon Assessment (WLCA) has been submitted, in addition to a Climate Action Energy Statement and a Part L Compliance Assessment. The WLCA assess the proposed development against a refurbish and extend scheme. The refurbish and extend scheme would achieve similar height and floorspace to the new development. The WLCA considers total embodied carbon and further breaks this down on an area basis as set out below:

Option	Embodied Carbon	
	KgCO2e	KgCO2e/m2
Option 1 – New Build	62,563,671	717

Option 2 - Refurbish and Extend	53,430,308	612

7.7.6. This demonstrates that the proposed new build option would have a greater embodied carbon in comparison to the extend and refurbish option, both in terms of total embodied carbon and on an area basis. I also note that the figure provided for the new build option is not inclusive of demolition and excavation works. This information has been provided as part of the appeal where carbon emissions due to the demolition would be 12,878kg CO2 and the additional carbon emissions due to excavation would be 322,225kgCO2.

7.7.7. Operational carbon has been considered, and the relevant figures are set out in the table below. These figures account for grid decarbonisation based on projected rates. Furthermore, a weighting has been applied to the refurbishment option at 5%, 10% and 15% of additional operational energy to account for the fact that this option would likely consume more energy than the new build option.

	Whole Life Carbon Emissions (KgCO2) [% difference]			
New Building Operational Energy (kWh/m2)	New Build	Refurbishment (+15% operational energy v. new build)	Refurbishment (+10% operational energy v. new build)	Refurbishment (+5% operational energy v. new build)
150	117,607,738	114,148,148 [-2.9%]	112,256,795 [-4.5%]	110,365,442 [-6.2%]
100	104,998,718	99,647,775 [-5.1%]	98,386,873 [-6.3%]	97,125,971 [-7.5%]
75	98,694,208	92,397,588 [-6.4%]	91,451,912 [-7.3%]	90,506,235 [-8.3%]

7.7.8. As was the case with embodied carbon, the refurbishment option consistently outperforms the new build option on whole life carbon emissions. I note that a further

study was undertaken based on a slower decarbonisation of the grid than current projections. Again, in this scenario the refurbishment option would continue to outperform the new build, with the sole exception of the 15% weighting on the 150kWh/m2 scenario, where there would be a 1.3% improvement.

7.7.9. I have considered the Applicant's submission and have had regard to the benefits of the proposal including in terms of adaptability, more control over environmental impacts and the ability to use additional technologies. I have also considered buildability issues and office demand. However, in my opinion, there is no overwhelming benefit that would justify the demolition of the existing building which is only 25 years old and in good condition.

7.7.10. Other similar buildings in the city have been upgraded and extended and there is no reason why that could not be the case on the subject site. Whilst I acknowledge the Applicant's argument regarding the need for high quality offices on large floorplates that meet the needs of modern office users, having regard to the height issues previously mentioned as well as the issues regarding sustainability and demolition covered in this section, I am of the view that there are other sites in the city that would be more appropriate for the proposed development and I agree with the Planning Authority that the demolition would be unacceptable, contrary to policy CA6 and Section 15.7.1 of the CDP and I do find that it would set an unwelcome precedent for the demolition of similar buildings.

7.8. **Amenity**

7.8.1. Various amenity issues are raised by the Planning Authority, the Appellant and observers on the appeal. These relate mainly to overbearing impacts, overlooking, daylight/sunlight/overshadowing, noise, wind microclimate, and devaluation of property.

Overlooking and Overbearance

7.8.2. The building would largely maintain the separation distances across Clarion Quay and Alderman Way. There is an established level of overlooking between the current office building and the adjacent apartments. The relationship is one that is typical of the surrounding area and whilst the development would intensify the level of overlooking, having regard to the built up urban nature of the site surroundings and

the typical urban relationships across streets, I do not consider that it would be particularly harmful.

7.8.3. In terms of overbearing impacts, I would agree with the Planning Authority that there are likely to be significant impacts. In my view, these impacts would be most intense at Block 12 of Clarion Quay where the proposed building effectively wraps around the south and west façade of the apartments. Whilst I accept that the building line relationships are already established and that this is an urban area, the increase in height and its relationship to Clarion Quay/Alderman Way and the relatively narrow nature of this street is such that I am of the view that the level of overbearance as a result of the height, bulk, and massing of the proposal would be detrimental to residential amenity.

Daylight and Sunlight

7.8.4. A component of the Planning Authority's first reason for refusal relates to overshadowing, daylight and sunlight impacts on neighbouring homes as a result of the excessive height, bulk and scale of the proposed building. The Planner's Report considered there to be significant deficiencies in the Applicant's assessment in terms of the scope of the assessment and it is the Planning Authority's view that that the proposal represents an insensitive form of development that would also devalue property in the vicinity.

7.8.5. These concerns are echoed in the Third Party grounds of appeal and observations. On the matter of daylight and sunlight, it is the position of the Appellant and observers that the Applicant's daylight and sunlight report is deficient and that there would be significant impacts to Clarion Quay residences and shared open spaces where particular concern is raised regarding the accuracy of the assessment.

7.8.6. The Applicant considers that daylight and sunlight impact on nearby residents would be limited to a small number of bedrooms where there would be a minor adverse impact in terms of access to skylight and sunlight, noting that current daylight levels are low and that artificial lighting is used, which would continue to be the case post development. The Applicant states that impacts would be reduced when accounting for overhanging balconies and that amenity spaces would remain compliant with BRE standards. The Applicant has submitted revisions as part of the appeal which incorporates setbacks on the eastern façade at levels 6, 7, and 8. These have been

tested in terms of impacts on daylight and sunlight, and an updated assessment was submitted as part of the appeal.

7.8.7. Appendix 3 of the Dublin City Development Plan requires full consideration of daylight/sunlight/overshadowing in the assessment of tall buildings. Criteria under section 3.2 of the Building Height Guidelines also include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2nd edition)' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. Reference is also made to (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting'. The Board will note that this has been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'.

7.8.8. While the Building Height Guidelines refer to the 2nd edition BRE guidance, a more recent edition of the BRE Guidelines ref. BR 209 2022 has been published, although this does not include any significant changes to the methodology for assessing impacts on neighbouring properties in terms of daylight, sunlight, and overshadowing. My assessment has been based on these most recent guidelines.

7.8.9. The BRE Guidance provides a technical reference for the assessment of amenity relating to daylight, sunlight and overshadowing. The guidance within it is not mandatory and the advice within the guide should not be seen as an instrument of planning policy.

7.8.10. With regard to impacts on existing residential buildings the guidelines state that they are intended for rooms in dwellings where daylight is required, such as living rooms/kitchens/bedrooms, otherwise regarded as habitable rooms. The guidelines also state that they may be applied to non-residential buildings where occupants may have a reasonable expectation of daylight, including schools, hospitals, hotels and hostels, small workshops, and some offices. The main application of the guidelines is therefore in assessing impacts on existing homes with other buildings considered on a case-by-case basis.

7.8.11. In terms of testing, the guidelines state that loss of light to existing windows does not need to be analysed if the separation distance between each part of the new development and the subject window is three or more times its height above the centre of the existing window. If a proposed development is taller or closer than this

then a 25 degree line can be drawn from 1.6m above ground from potentially affected properties, and if the proposed development is below this line, then substantial effects are unlikely.

7.8.12. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) of less than 27%, or where this is the case, not less than 0.8 times its former value. The guidelines state that if, following development, the VSC to an existing neighbouring property 'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.' Therefore, the preservation of a minimum VSC of 27% and/or reductions no more than 20% the former value, illustrate acceptable daylight conditions to existing properties.

7.8.13. In terms of sunlight, the BRE advocates a test of Annual Probable Sunlight Hours (APSH) to windows. This assesses windows facing within 90 degrees of due south. If the centre of the affected window can continue to receive more than one quarter (25%) APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then adequate sunlight will be maintained.

7.8.14. In relation to overshadowing, The BRE recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March, or not be reduced by more than 20% of the former value.

7.8.15. In terms of the initial assessment submitted with the planning application, I note that only the closest windows of the adjacent Clarion Quay blocks were considered, and that no assessment of sunlight was undertaken despite there being windows facing within 90 degrees of due south and therefore meeting the BRE criteria for assessment. I also share the views of the Appellant and observers that the area assessed in terms of shared amenity space is inaccurate as it cuts off a large section of the shared garden at its southern end. I therefore agree with the Planning Authority that the assessment as originally submitted would not be sufficiently robust, although I disagree with the Appellant that all properties within a 235 metres distance of the site need to be assessed, this would be excessive.

7.8.16. The updated assessment submitted as part of the appeal largely addresses these concerns although I note that Block 4 of Clarion Quay has still been omitted and no further information has been presented in terms of the assessment of the shared amenity space, I will address these points in my assessment below which is based on the more comprehensive assessment submitted at appeal stage.

Daylight

7.8.17. The Applicant has undertaken an assessment of Vertical Sky Component (VSC) covering the closest west and south facing windows of Blocks 1-3 Clarion Quay which sit to the west of the subject site, in addition to the west, south, and east facades of Blocks 8 and 12 which sit to the north of the subject site. I note that the Applicant considers that if the retained proportional VSC is at least 0.75 and/or the proposed VSC is above 15% then the window is considered to comply with the guidance. This appears to be based on the BRE reference to VSC levels between 15% and 27% requiring special measures, such as larger windows, in order to provide adequate daylight. In my view the Applicant has clearly misapplied this aspect of the guidance, and I have based my assessment on the 0.8 figure given in the BRE guide.

7.8.18. Block 1 – A total of 28 windows have been assessed for VSC. 19 of the assessed windows would retain at least either 27% VSC or a VSC at least 0.8 times its former value which would comply with the BRE guidance. The remaining nine windows would retain between 0.73 and 0.78 times their former value with residual VSC levels of between 19.89 and 26.69. I am satisfied that the impact on block 1 would be acceptable.

7.8.19. Block 2 – A total of 21 windows have been assessed with seven remaining fully compliant with the BRE. 14 windows would experience noticeable effects. Three of the windows would retain VSC levels of between 0.7-0.71 times their former value and residual VSC levels of between 14.72 and 26.77. The remaining 11 windows would see retained VSC levels of between 0.65 – 0.69 time their former value and residual VSC levels of between 14.37 and 23.92. Furthermore, seven of the affected windows would serve the main living space which benefit from large windows that would remain BRE compliant. The remaining affected windows appear to be bedrooms. In my view, the impacts on Block 2 would be acceptable on balance.

7.8.20. Block 3 – A total of 21 windows were assessed of which 12 would remain fully compliant with the BRE. Nine windows would therefore experience noticeable effects, although one of these windows serves a room that would have unaffected windows and as such is acceptable. The remaining eight windows would see proportional VSC retention of between 0.69 and 0.79. Five windows would have residual VSC levels of between 3.37-5.91 however this is based on existing VSC levels of between 4.31 and 8. The real terms reduction in VSC would therefore range from 0.94-2.09. In these circumstances, even a small reduction in real terms VSC would lead to a large proportional loss. The remaining four windows have residual VSC levels of between 19.68-26.27 and I am satisfied that the overall impact on this building would be acceptable.

7.8.21. In terms of Blocks 8 and 12, the impacts on VSC would be more significant as set out in the table below:

Block 8 VSC

Block 8				
Retained VSC (Proportion)	No. of windows	Existing VSC Range	Proposed Residual VSC	Total VSC Loss
0.7-0.79	17	4.81-33.91	3.6-26.92	1.21-6.99
0.6-0.69	7	5.9-18.45	3.89-12.48	2.1-5.97
0.5-0.59	1	12.55	6.69	5.59
0.4-0.49	2	6.12-6.48	2.61-2.94	3.18-3.87
0.3-0.39	1	4.22-6.14	1.64-2.26	2.63-3.88

Block 12 VSC

Block 12				
Retained VSC (Proportion)	No. of windows	Existing VSC Range	Proposed Residual VSC	Total VSC Loss

0.7-0.79	12	0.7-35.07	0.51-25.56	0.19-9.51
0.6-0.69	14	0.32-30.26	0.21-18.82	0.1-11.4
0.5-0.59	8	0.21-29.58	0.12-17.41	0.09-12.7
0.4-0.49	0	-	-	-
0.3-0.39	8	0.46-25.71	0.16-7.75	0.3-17.96
0.2-0.29	1	0.53	0.15	0.38

7.8.22. In reviewing the impact on Blocks 8 and 12 I have had regard to the Applicant's response and the argument that many of these rooms have low levels of VSC to begin with. However, there are numerous instances of much larger reductions. 13 of the windows assessed would see VSC levels dropping below 5% where the BRE note that it is then often impossible to achieve reasonable daylight, even if the whole window wall is glazed. Furthermore, 21 of the windows would see VSC reductions to below 10% in combination with a greater than 0.8% reduction in proportional terms. Some of the VSC reductions would be significant with regards to the real terms VSC reduction, with reductions of 17.96 recorded. On balance, I consider that the proposal would have an adverse impact on the amenity of Block 12, largely driven by the excessive scale, bulk and massing of the proposal which would wrap around this block. I would perhaps have been more amendable to the reductions if it was the case that the site was in specific need of regeneration, or if it had been identified as an appropriate site for a landmark building, or if it was a cleared/undeveloped site where existing residents had perhaps atypical levels of daylight for an inner urban area. However, this is not the case, and I agree with the Planning Authority's decision to include daylight and sunlight in their reason for refusal. Concerns raised by the Appellant/observers with regards to solar glare are unfounded in my opinion, having regard to the façade design.

Sunlight

7.8.23. No assessment of sunlight impacts to adjacent dwellings was conducted as part of the initial submission. The Applicant has included a sunlight assessment as part of the appeal submission. In my opinion, having regard to room use and orientation, the overall impact on sunlight would be limited. This is largely a result of the fact that

the majority of windows do not face within 90 degrees of due south and as such are not required to be assessed under the BRE.

Overshadowing

7.8.24. The Applicant's Daylight and Sunlight Assessment concludes that the shared amenity courtyard at Clarion Quay would maintain 50% of the area achieving at least 2 hours of sun on the 21st of March and therefore would be in compliance with the guidelines. This should be viewed against the fact that the space currently achieves 100% sunlight on the 21st of March and as such the reduction of 50% would be significant, albeit technically meeting the BRE guidance.

7.8.25. However, concerns have been raised in the Third Party appeal that the amenity space used in the assessment has been truncated unnecessarily. The Applicant has not specifically addressed these concerns in their response to the Third Party appeal, simply reiterating that the proposal would meet the BRE guidelines. I find that the Appellant raises a reasonable point. Having regard to the information on file, aerial photography and my own site inspection, it is clear to me that the area assessed by the Applicant does not cover the full extent of the shared amenity space. I accept that the southernmost part of the courtyard is not amenity space as it forms the basement ramp, but this is a fairly narrow strip along the southern border and does not equate to the significant area that has not been assessed in the study. On that basis the information presented is deficient in my opinion and does not quantify the full impacts. Based on the results submitted, it is then clear that when the full extent of the amenity space is assessed, it would fall below the 50% target specified by the BRE and the proportional loss would be well in excess of 20%.

<u>Wind and Microclimate</u>

7.8.26. Concerns have been raised that the microclimate conditions for the proposed park would not be appropriate for the intended use. I have considered the Pedestrian Wind Comfort Analysis submitted with the application. The assessment of the wind conditions requires a standard against which the measurements can be compared. In this case the assessment adopts the Lawson Comfort Criteria which are the well established guidelines that have been in use for over 30 years. The Lawson Criteria establishes four pedestrian activities (comfort categories) taking into account that

less active pursuits require more benign wind conditions. The four categories include: sitting, standing, strolling and walking.

7.8.27. The vast majority of the public open space proposed to the east of the building would be categorised for either sitting or standing. A small section at the corner of the building as it meets North Wall Quay would be categorised for business walking, which would not be untypical for this thoroughfare. I do note that the areas of the park that are proposed to have sun loungers/seating would not achieve the comfort criteria for this class. However, I consider that this could be addressed by conditions to secure a final design and layout of the open space, taking into account the results of the analysis and further mitigation could be employed by way of planting. Overall, I consider the wind and microclimate issues to be acceptable on balance.

Noise, Dust, and Disturbance

7.8.28. These issues are dealt with in detail in the noise and air quality sections of my EIA at Section 8 below. All construction projects result in a degree of disturbance to those closest to the site. In many respects this is largely inevitable if developments are to come forward. In summary, whilst I accept that there would be a degree of disturbance during the construction phase, I am satisfied that these short term and temporary effects could be adequately addressed and managed by way of mitigation, including measures set out in a Construction Management Plan which would be secured by condition in the event that planning permission is granted.

7.8.29. In terms of antisocial behaviour concerns raised by the Appellant and by observers, I do not consider that the proposed park, which would be actively overlooked on both sides, would lead to any significant threat of disturbance or antisocial behaviour. In any event, the park would be subject to management by the building occupiers and measures could be put in place to monitor and address any potential anti-social behaviour issues.

Property Values

7.8.30. Having regard to the daylight/sunlight/overshadowing impacts outlined above and the intensity of the overbearing impacts to Block 12 of Clarion Quay, I find it reasonable to conclude that there would likely be some devaluation of property.

7.9. Basement and Flood Risk

7.9.1. The Planning Authority have raised concerns regarding flood risk, surface water and the Basement Impact Assessment, including concerns with the provision of office space at lower ground floor level within Flood Zone B. Similar concerns are expressed in the Third Party appeal and observations which also raised concerns regarding the basement development and the impact this could have on other basements in the area, notably those of Clarion Quay.

7.9.2. The Applicant has sought to address these matters as part of the appeal and on that basis has submitted an updated Basement Impact Assessment and additional flood risk information to supplement the Site Specific Flood Risk Assessment (SSFRA) submitted with the application, concluding that the development would not have any impact on groundwater, basements or flood risk. It is also submitted that the site is in Flood Zone C and that office space at lower levels is acceptable.

7.9.3. The site is located approximately 25 metres north of the River Liffey. The building has an existing basement that is generally consistent with the building footprint and the proposal seeks to increase this in depth to provide an additional basement level. The proposal includes office spaces on the lower ground level.

Flood Risk

7.9.4. Based on mapping in the Dublin City Council Strategic Flood Risk Assessment (SFRA), the overwhelming majority of the site is located in Flood Zone C with some small areas close to Clarion Quay and the north/east boundary of the site being in Flood Zone B. Flood Zone B has a moderate probability of flooding (between 0.1% AEP and 1% AEP for fluvial flooding, and between 0.1% AEP and 0.5% AEP for tidal flooding). Flood Zone C has a low probability of flooding (less than 0.1% AEP for both fluvial and coastal flooding).

7.9.5. The Greater Dublin Strategic Drainage Study and the Flood Risk Management Guidelines require the predicted effects of climate change to be considered. Climate change allowances are generally 20% pluvial/fluvial. The guidelines also set out an appropriateness matrix for proposed uses in flood risk areas, depending on the vulnerability of the use. The proposed range of uses on the site would be less vulnerable. According to the guidelines a justification test is not required for less vulnerable development in flood zones B or C. However, the Dublin SFRA

specifically prohibits underground offices in this area (Area 3. Liffey O'Connell Bridge to Tom Clarke Bridge).

7.9.6. The Applicant has reviewed OPW data to confirm that there are no recorded instances of flooding on or near the site, from any source. In terms of fluvial flooding the SSFRA states that the Liffey Catchment Flood Risk Assessment and Management Study (CFRAMS) project indicates that the subject site is outside of the area at risk from a 0.1% AEP (1-in-1000 years) fluvial flooding event and that the risk of fluvial flooding would therefore be negligible.

7.9.7. Tidal flooding has also been modelled as part of the CFRAMS which indicates that the site is within an area at risk from a 0.1%AEP tidal flooding event. The Applicant considers this to be suitably mitigated as follows:

- The on-site management company would have flood response training, advance warning would be given for tidal flooding, and appropriate action could be taken to ensure no loss of life and minimum damage to property.
- Defence works have been undertaken to protect the quays from tidal flooding, extending up to the Loop Line Bridge and defending North Wall Quay from a potential 1 in 200 year high tide.
- The flood level for the 0.1% AEP would be 3.35m AOD. FFL for the development would be at least 3.65m and sufficient freeboard of 300mm above the 0.1%AEP level would be provided.

7.9.8. In terms of pluvial flooding, SFRA modelling indicates that the site may experience flooding up to 0.5m (3 hour event 1% AEP). Again, I note the OPW data that confirms there have been no flood events due to high rainfall in the area. The Applicant has also considered this and rates the risk to be negligible, making specific reference to the proposed attenuation on site which caters to a 1-in 100 year event and has a built in 30% allowance for climate change.

7.9.9. Having considered the information contained within the SSFRA and submitted as part of the appeal, I have no objection to the proposal in flood risk terms. The main outstanding issue appears to be the provision of office space at lower ground floor level which would be contrary to the SFRA. Whilst the Planning Authority have mentioned this in their report, they did not refuse permission on this point and instead

stated that a revised flood risk assessment would be required to address the issue. It seems to me that this indicates that the office space at lower ground level could be acceptable subject to the evidence base presented in the flood risk assessment. In my view, it has been suitably demonstrated that the site would not be at significant risk of flooding and the mitigation put forward by the Applicant is acceptable in my opinion and could be bolstered by additional measures secured by way of condition.

Surface Water Drainage and SUDS

7.9.10. The main concern of the Planning Authority on this matter relates to the quantum of green and blue roofs being proposed, which it is considered does not meet the requirements of Policy SI23 which requires either 50% intensive coverage or 70% extensive coverage. On that basis that Planning Authority consider that additional SuDS measures should be incorporated, including a more comprehensive use of SuDS in the proposed public realm areas.

7.9.11. The proposal incorporates extensive green roofs in the form of sedum and intensive green roofs through landscaping of the amenity terraces. Further planting is provided within the public realm and within the public park and rainwater harvesting would be employed. Blue roof rainwater attenuation has been incorporated, and the development includes further attenuation by way of a tank, all of which would provide appropriate levels of attenuation with a built in 30% allowance for climate change and run off rates reduced to greenfield rates of 2l/s/h and supplemented by flow control devices. I note that a 30% allowance is the figure given in the SSFRA and the EIAR but that 20% allowance is quoted in the Surface Water Management Plan. The figure in the Surface Water Management Plan is inconsistent with other documents. Whilst 20% allowance is the general standard, a 30% allowance would provide a further improvement and should be secured by condition in the event that permission is granted. Although I note the overall concerns of the Planning Authority regarding green and blue roof coverage and SuDS, I am satisfied that sufficient attenuation would be provided on balance.

Basement Impacts

7.9.12. The Third Party Appellant and observations raise significant concerns that the proposed basement development would have impacts on the basement of Clarion

Quay and further concerns are raised that the Applicant's documentation does not show these basements.

7.9.13. In response, the Applicant notes the concerns regarding the Clarion Quay basements and has stated that neighbouring properties and their structures would be examined in more depth at detailed design stage and through the construction process. I note that the Applicant's documentation shows all surrounding basements, including those immediately adjoining the site to the north at New Century House, although the Clarion Quay basement is not shown. Given that the matter was raised in the application and the appeal, the Applicant might reasonably have taken measures to at least show the location of the Clarion Quay basement on the appeal documents. That being said, the proposed basement is not extending beyond the existing basement footprint and in my view, subject to a Construction Method Statement and relevant surveys being agreed prior to construction, potential impacts on the adjacent basements at New Century House and Clarion Quay would be appropriately mitigated. As such, I am satisfied that this is a matter that could be fully addressed by condition or Further Information in the event that the Board decide to grant permission.

7.9.14. Additional concerns raised by the Planning Authority relate to the suitability of the Basement Impact Assessment which the Drainage Division of Dublin City Council considered to be insufficient in addressing various matters including baseline ground and groundwater conditions, impacts on neighbouring structures, key hazards, construction sequence and temporary restraints, ground movement, impacts on groundwater and cumulative impacts.

7.9.15. The Applicant's updated Basement Impact Assessment largely addresses these matters in my opinion. The issue of the Clarion Quay basement omission is addressed above. In terms of site investigations, the Applicant has undertaken desk based assessments due to the impracticalities of conducting intrusive site investigations on the existing site with an operational building that extends to the site edges. Many of the findings have been cross referenced to other data sets and I find this approach acceptable on balance, subject to Stage 2 investigations being secured by condition prior to any development taking place.

7.9.16. The updated Basement Impact Assessment gives further consideration to groundwater and groundwater movement. It is noted that groundwater flows generally south/south-east. The site benefits from an existing basement and there is an adjoining basement at New Century House to the north, as such the basement would not present a new barrier to groundwater flow in lateral terms. Noting the absence of the Clarion Quay basement in the documents, I find that the presence of the Clarion Quay basement to the north reinforces the conclusion that the proposed basement would not create a new barrier to groundwater flow, at least laterally.

7.9.17. Further information provided in the Basement Impact Assessment regarding enabling works, construction sequence, construction measures and temporary works are in my view reasonable and the further surveys proposed prior to construction, monitoring proposals, and recommendations put forward are such that I am satisfied that the Basement Impact Assessment has, on balance, addressed the issues and that there would be no significant impacts or matters that could not be addressed either by condition or further information.

7.10. Transport and Traffic

7.10.1. Section 8 of this report considers traffic and transportation in the context of the EIAR. This section of the report relates to the issues raised by the Planning Authority in addition to the Third Party appeal and observations.

7.10.2. The Third Party grounds of appeal raise concerns regarding rights of way, access, servicing and potential conflict between cars, cyclists and pedestrians. It is submitted that the proposal would result in increased traffic generation and congestion. Observations raise similar concerns.

7.10.3. The Planning Authority raised concerns regarding servicing and cycle parking in terms of the format and access arrangements for the cycle parking. The cycle parking concerns were shared by TII. The Planning Authority also raised concerns regarding car parking which is considered to exceed development plan standards.

7.10.4. The Applicant has sought to address these concerns by way of amended plans submitted as part of the appeal which seek to address the servicing and cycle parking issues as well as proposing a slight reduction in car parking by the removal of two spaces.

7.10.5. In terms of Rights of Way, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. That being said, based on the information before me, I do not find that the proposed development would have any measurable impact on any established rights of way on either Clarion Quay or Alderman Way and measures could be put in place during the construction programme to ensure continuity of access.

Trip Generation

7.10.6. Staff numbers for the proposed development have been estimated based on floorspace using industry standards. Modal split has been estimated using CSO data which indicates 17% driving a car/van, 1% passenger in a car or van, 1% by motorcycle, 9% by bicycle, 58% by bus/train/tram and 14% walking.

7.10.7. Adjusting the census data to reflect the much reduced level of car parking on site compared to the existing situation yields adjusted development specific modal shares of 5% driving a car or van, 2% passenger in a car or van, 1% motorcycle, 10% bicycle, 66% bus/train/tram, and 16% walking.

7.10.8. Trip generation has been estimated using the TRICs database to predict trip generation across all modes. This results in the following person-trip generation figures.

Time Period	Arrivals	Departures	Total Trips
AM Peak	1,383	159	1,542
PM Peak	105	1,218	1,323
Full Day	5,206	5,206	10,412

7.10.9. Applying the relevant modal splits gives the following breakdown by mode:

Transport Mode	Direction and Time Period					
	Arrivals			Departures		
	AM Peak	PM Peak	Full Day	AM Peak	PM Peak	Full Day
Driving (Car/van)	32	0	82	0	32	82

Passenger (car/van/taxi)	22	2	83	3	19	83
Bicycle	146	11	550	17	129	550
Motorcycle	10	1	38	1	9	38
Bus	342	26	1,288	39	301	1,288
Train/Tram	574	43	2,157	66	505	2,157
Walking	220	17	830	25	194	830
Total	1,346	100	5,028	151	1,189	5,028

7.10.10. Based on the information presented above, I am satisfied that there would be no significant increase in traffic associated with the development and there would be no negative impacts on the local road network or the capacity of key junctions. Additionally, the number of servicing trips associated with the development would be limited to 19 in the morning peak and six in the evening peak. Again, I do not consider that these would result in any significant impacts on the road network or traffic.

7.10.11. Whilst there would be an increase in overall trip generation compared to the existing scheme, there would be a significant reduction in vehicular trip generation largely on the back of the much reduced car parking on site and I note that the public transport capacity assessment indicates sufficient capacity to service the needs of the development.

7.10.12. Construction phase trips would result in a total of 188 light vehicle trips and 96 heavy vehicle trips per day. This is very limited in the context of the overall road operation and carrying capacity and I am also mindful of the fact that the construction period would be temporary. This is addressed in full in the EIAR (See Section 8) and appropriate mitigation is recommended.

Car Parking

7.10.13. The existing building currently provides 164 car parking spaces in the basement, accessed from a ramp running parallel to the eastern boundary of the site adjacent to Clarion Quay Blocks 1-3. The proposed development would provide 32 spaces which is amended to 30 spaces as part of the amendments submitted with the

appeal, both of which would be accessed via car lifts. In both the originally proposed and amended appeal scenario, this is a significant reduction in car parking. I note the Planning Authority's view that this is still in excess of the CDP, which I accept. However, in my view, consideration needs to be given to the existing situation and the significant reduction being proposed. On balance I consider the level of car parking to be acceptable having regard to current provision but would note that the Board could seek to reduce this by way of condition in the event that planning permission is granted.

7.10.14. In terms of concerns regarding potential congestion at the car lift access, I would note that the car lifts have a combined ability to service 60 vehicles per hour. Given that the basement would accommodate 30 spaces in total and that they would generally be used as pool cars as opposed to general transport, I am satisfied that the use of car lifts would not be likely to lead to congestion on Clarion Quay.

Cycle Parking and Access

7.10.15. In considering both the originally submitted scheme and the amendments proposed as part of the appeal, I find that the overall quantum of cycle parking would be acceptable, but I have concerns regarding form, layout and access. In both scenarios, there is a low proportion of Sheffield stands and whilst two tier cycle stands are more efficient, it is generally accepted that they cannot accommodate all cycles and users. I am satisfied that this could be addressed by way of condition. I would also note that a further reduction in car parking could provide additional room for Sheffield stands and other non-standard forms of bicycle parking such as for cargo bikes etc.

7.10.16. In the originally submitted scenario I would agree that there could be conflict between cycle users and vehicles given the proximity of the cycle lift to the car lifts. In trying to address this as part of the appeal, the Applicant has reconfigured the vehicle lift bay and relocated the cycle lift to the west but also having reduced the number of cycle lifts to one. In my opinion, a single cycle lift is not sufficient to service a development of this size with 980 cycle parking spaces. I note the provision of a staircase with cycle running ramp but this does not alleviate my concerns. Furthermore, in both scenarios, the landing area of the lift/staircase/ramp is a significant distance from the cycle parking area. Whilst I do

not recommend refusal on this basis, I recommend that the Board seek to address the matter either by way of condition or Further Information, in the event that permission is granted.

Servicing

7.10.17. As detailed previously, estimated service trips would equate to 19 in the morning peak and six trips in the evening peak. As part of the amended scheme an off-street loading bay enclosure would be provided on Clarion Quay. Whilst this would be an improvement on the originally proposed scheme and would provide an off-street location for servicing that would not impeded Clarion Quay for other users, I am of the view that it could conflict with the entrance to the vehicle lift. That being said, given the nature of the car parking which is proposed as being for pool cars and the ability for modern offices to adopt an appointment/slot based servicing regime secured in a Delivery and Service Management Plan, I do not consider that this issue would not warrant a refusal of permission, and could instead be addressed either by condition or Further Information in the event that permission is granted.

7.11. **Other Matters**

7.11.1. Further concerns raised in the appeal and by observers relate to perceived deficiencies in the information submitted with the application, specifically in relation to sectional elevations and drawings details. I note that the Planning Authority considered the application to be valid. In my view there is sufficient information available on the drawings to enable an assessment of the application. In terms of deficiencies in reports, these have largely been addressed as part of the appeal and where relevant I have addressed these issues in my assessment above.

7.11.2. I note the concerns raised with regards to the scheme amendments and the amount of information submitted with the application and the appeal, l in addition to concerns regarding the Planning Authority's assessment. It is not a matter for the Board to address perceived or actual deficiencies in the reports of the Planning Authority. I accept that the planning application was accompanied by a significant number of drawings, however this is typical for large scale applications, particularly where there is an EIAR. Furthermore, the amendments proposed as part of the appeal are minor in the context of the wider scheme and the additional information submitted was targeted at addressing specific issues and I note that the relevant time periods were

adhered to. I am therefore satisfied that no party to the appeal has been discommoded.

Ten Year Permission

7.11.3. I note concerns raised in the observations regarding the application for a ten year permission. In my opinion, given the complexities of the proposed construction project, a ten year permission would be reasonable and would not in an of itself lead to any significant amenity issues.

8.0 Environmental Impact Assessment (EIA)

8.1. Statutory Provisions

8.1.1. This section sets out the EIA of the proposed project and should be read in conjunction with both the planning and appropriate assessment sections of this report. The proposal is for an urban office led mixed use development in the Dublin City Docklands. The site measures approximately 0.88 hectares.

8.1.2. Item 10 (Infrastructure projects) to Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended) and section 172 (1)(a) of the Planning & Development Act, 2000 (as amended) provide that EIA is required for infrastructure projects that involve:

- (b)(iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

8.1.3. The proposal is an urban development project in a business district. The gross site area is 0.88 hectares, which is below the relevant threshold and as such a mandatory EIAR is not required. The Applicant has submitted an EIAR on the basis that it would still be required by Schedule 5, Part 2, Class 15 of the Regulations. This relates to sub-threshold development that would be likely to have significant effects on the environmental, having regard to the criteria set out in Schedule 7.

8.2. EIA Structure

8.2.1. This section of the report comprises the Environmental Impact Assessment (EIA) of the proposed development in accordance with Planning and Development Act 2000

(as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a) consisting of the preparation of an EIAR by the Applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

8.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

8.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Board's decision, should they agree with the recommendation made.

8.3. Issues Raised in Respect of EIA

8.3.1. Issues raised in respect of EIA by parties to the appeal include perceived deficiencies in reporting information including flood risk, basement impact, site investigation, and surface water management. Issues have also been raised regarding the impact on adjacent basements, flood risk, climate, biodiversity, utilities (Uisce Éireann), and townscape.

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

8.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 (paragraphs 1 and 2) of the Planning & Development Regulations, 2001 (as amended).

8.4.2. **Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations**

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development is set out in Chapter 2 of the EIAR and includes a description of the existing development and the site itself. The description of the proposed development includes a summary of the of the proposed uses, building heights as well as a detailed description of the demolition, construction and commissioning process. This is included as a broad timeline from site preparation works through to demolition, site excavation, structural building works, site utilities and infrastructure, commissioning and fitting out, and ending with landscaping. It is stated that the works would be completed over a 3.5 year period. Potential impacts and mitigation measures have been identified at all stages, these are covered in detail in the relevant technical chapters of the EIAR. The main potential impacts identified relate to drainage, nuisance (air quality, dust, dirt, noise and vibration, waste, traffic, archaeology/cultural heritage, and biodiversity (Natura 2000 sites). A description of potential cumulative effects is provided at section 2.5 of Chapter 2 and further addressed in each technical chapter.

A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect and cumulative effects of the proposed development has been carried out for each of the specialist technical chapters (chapters 4-14). I am generally satisfied that an appropriately robust and comprehensive assessment of likely significant effects has been undertaken and that this allows a decision to be made on the proposed development with regards to environmental impacts.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
Mitigation and other measures designed to address potential adverse impacts and significant effects are outlined in detail in each of the technical chapters. This includes site specific mitigation measures, mitigation measures that are designed into the development and standard best practice measures.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
Alternatives considered are set out in Chapter 3 of the EIAR, with an additional alternative (Option 3) included within the EIAR addendum submitted as part of the appeal. A 'Do Nothing' option and alternative sites were not considered on the basis that it would be underutilising a strategically positioned zoned and serviced city centre site. Three alternative options have been considered: Option 1 – retain and extend Option 2 – New build (the proposed development) Option 3 – Amended new build The main reasons given for pursuing Option 2 and 3 (the proposed development and amended appeal scheme) is that the site is considered suitable from both an environmental and planning perspective. I am satisfied, therefore, that the Applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Board and in doing so the Applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

A description of the baseline environment and likely evolution in the absence of the development.
A description of the receiving environment and relevant baseline where relevant is included at the outset of each of the technical chapters. A 'Do Nothing' approach has not been considered for all technical chapters and as such the likely evolution of the relevant receiving environment/baseline in the absence of the proposed development has not been undertaken for all technical issues. Where a 'Do Nothing' scenario has been considered I will address this in the relevant technical assessment below.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.
Details of the methodology used in undertaking the EIAR, including the forecasting methods, are set out in each of the specialist technical chapters assessing the environmental effects. Where difficulties have been encountered in compiling relevant information/undertaking assessments the Applicant has reported this in each technical chapter, including limitations and assumptions. No significant difficulty was encountered in the majority of technical chapters. A minor issue was identified with junction modelling for a single junction in the traffic and transport section, this did not have a significant impact on reporting. I am satisfied that the forecasting methods overall are adequate in respect of likely effects.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in Chapter 4 – Human Health and population (specifically Section 4.5.1.7). Having regard to the location and zoning of the site, and the commercial nature of the proposed development, I am satisfied that there are not likely to be any significant effects of the project deriving from major accidents and/or disasters
Article 94 (c) A summary of the information in non-technical language.
Volume 1 of the EIAR refers to a Non-Technical Summary. I have considered this in full and I am of the view that it is suitably concise, robust and written in non-technical and accessible language that can be considered and understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.
Sources and references used to inform the description and assessment of potential environmental impacts are set out at the end of each chapter.

Article 94 (e) A list of the experts who contributed to the preparation of the report.
A list of the various experts who contributed to the report is set out in Section 1.2.2 of Chapter 1 of the EIAR. And summarized in Table 1.1 of same. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

8.4.3. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

8.4.4. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

8.4.5. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and the associated supplementary information provided with this by the Applicant, is sufficient to comply with Article 94 of the Planning & Development Regulations, 2001 (as amended). Matters of detail are considered in my assessment of likely significant effects below.

8.5. Assessment of Likely Significant Effects

8.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.

- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

8.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised
- Context
- Baseline
- Predicted impacts
- Mitigation measures
- Residual impacts
- Direct and indirect impacts assessment
- Direct and indirect impacts conclusion

8.6. Population and Human Health

Issues Raised

8.6.1. No specific issues are raised in either the Third Party appeal or observations on the First Party appeal with regards to population and human health. Wider concerns are noted in terms of amenity, air quality and construction impacts, disturbance, quality of open spaces (existing and proposed) and traffic/transport matters. These issues have been addressed in other sections of this report

Context

8.6.2. Impacts on human health and population are considered in Chapter 4 of the EIAR. Environmental pathways that may affect human health include air quality, noise, water, and soil quality. As such there is significant potential for interactions with other EIAR chapters and the likely significant impacts on human health and population regarding these issues are addressed in detail within the following EIAR chapters.

- Chapter 5 – Land, Soils, Geology and Hydrogeology

- Chapter 6 – Hydrology
- Chapter 8 – Air Quality
- Chapter 10 – Noise and Vibration
- Chapter 12 – Traffic and Transportation
- Volume 3 – HTLVIA

8.6.3. Relevant legislation and guidance is set out in Section 4.2.1 of the EIAR and data sources are listed in section 4.2.2, noting that Census 2022 and 2016 data have been employed. I note that no difficulties were reported in preparing the population assessment.

Baseline

8.6.4. In terms of population statistics, a study area of Electoral Divisions within 1 km from the site was considered. A wider area of 2.5 km from the site location has been used to inform the baseline description of the area. Published data from the CSO and Pobal have been employed to determine the sensitivity of the surrounding area, concluding that the population exhibits a relatively lower sensitivity to change with a low to medium population sensitivity.

8.6.5. The nearest homes are immediately to the east of the site and there are a range of civic/public services typical of a mixed use urban area, including retail, schools, healthcare, emergency services and places of worship. There are no archaeological sites listed on the Sites and Monuments Record within the boundary of the proposed development site. The local environment is not an area of great significance in terms of natural resources. The Proposed Development site is not at risk of any major accidents, hazards or natural disasters.

Predicted Impacts

8.6.6. The EIAR identifies the potential for a range of environmental effects on population and human health. Likely significant effects of the development, as identified in the EIAR, are summarised in the table below. The main potential impacts on population and human health from the proposed development at both construction and operational stage are employment, potential for spills/leaks, air/dust emissions, noise, visual, and traffic impacts.

Project Phase	Potential Effects
Do Nothing	Do Nothing has not been considered for this chapter. In a Do Nothing scenario, the site would remain as is.
Construction	Impact on local business and residences due to increase in worker population and increased local employment – ***positive, not significant, short term.*** Construction impacts on tourism (traffic congestion/limited access) – ***negative, moderate, short term***. Visual and amenity impacts due to construction works (unsightly activity) largely on immediate neighbours – ***negative, moderate/substantial, short term*** and transitioning to ***negative, slight/very slight, short term*** when increasing distance from the site. Potential contamination of soil and groundwater (pollutants and hydrocarbons) – ***neutral, imperceptible, short term.*** Considered in more detail in Chapter 5. Hydrological environment and potential impact on Liffey Estuary – ***negative, imperceptible, short term***. Considered in more detail in Chapter 6. Air quality (dust emissions, particulate matter) – ***direct, negative, imperceptible, short term.*** Considered in more detail in Chapter 8. Noise from construction activities – ***negative, imperceptible to profound, brief to short term.*** Considered in more detail in Chapter 10. Noise from construction traffic – ***negative, imperceptible, short term.*** Considered in more detail in Chapter 10. Vibration (excavation/rock breaking) – ***negative, moderate, brief.*** Considered in more detail in Chapter 10.

	Traffic impacts (additional trips and congestion) – ***negative, moderate, short term.*** Considered in more detail in Chapter 12. Major accidents (health and safety of workers, flood risk) – ***imperceptible and unlikely.***
Operation	Impact on local business and residences due to increase in worker population and increased local employment – ***positive, imperceptible, long term.*** Local tourism and amenities (provision of Liffey Experience and new public spaces) – ***positive, not significant, long term.*** Visual amenity is considered in more detail in Volume 3 HTLVIA. 22 views were considered (see section 9.17 below). In summary, impacts are ***permanent*** and range from ***neutral (very slight), to moderate, to positive (slight to substantial)***. Contamination of soil and groundwater – ***neutral, imperceptible, long term***. Considered in more detail in Chapter 5. Hydrological environment and potential impact on Liffey Estuary – ***negative, not significant, short term***. Considered in more detail in Chapter 6. Air quality (traffic emissions) – ***direct, negative, imperceptible, long term.*** Considered in more detail in Chapter 8. Noise and vibration - considered in more detail in Chapter 10. Traffic and transportation (impacts on road network, servicing, overspill parking) – ***negative, slight, short term.*** Considered in more detail in Chapter 12.

	Major accidents (health and safety of workers, flood risk). The site is well separated from Seveso/COMAH sites – ***imperceptible and unlikely.***
Cumulative	Potential impacts previously identified for population and human health relate largely to land/water emissions, air quality, noise and vibration, traffic and transportation, and landscape and visual amenity. For the avoidance of repetition, potential cumulative impacts are set out in detail in the relevant technical chapters (Chapters 5, 6, 8, 10, 12, and Volume 3) which I have addressed in the relevant topic specific sections below.

Mitigation Measures

8.6.7. Mitigation measures designed to address potential impacts on human health in terms of land and water emissions, air quality, noise and vibration, traffic and transportation, and landscape/visual amenity, are set out in the relevant technical chapters (Chapters 5, 6, 8, 10, 12 and Volume 3 of the EIAR).

8.6.8. Construction phase mitigation would involve the implementation of the Outline Construction Management Plan and a Construction Environmental Management Plan, which would be secured and updated by condition, in addition to complying with established best practice and employing the mitigation measures outlined in the relevant technical chapters listed above.

8.6.9. Operational phase mitigation would include measures relating to attenuation and drainage (SuDS), compliance with noise limits established by best practice and mobility management through a Workplace Travel Plan.

Residual Impacts

8.6.10. Following the implementation of mitigation measures (including monitoring), no significant residual effects are anticipated on population and human health, with the exception of construction noise which would range from ***moderate to significant*** albeit short term. This is considered in more detail in Chapter 10.

Direct and Indirect Impacts Assessment

8.6.11. I have examined, analysed, and evaluated Chapter 5 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of population and human health. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on population and human health, as a consequence of the proposed development, have been identified. I note that population and human health is considered in more detail in other technical chapters of the EIAR. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on population and human health. I would note that an Outline Construction Management Plan is sufficient at this stage in the process but that a full Construction Management Plan should be secured by condition on appointment of a contractor and prior to development taking place. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.6.12. Having regard to my examination of environmental information in respect of population and human health, in particular the Applicant's EIAR, the reports of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I consider that the main significant direct and indirect effects on human health and population are, and would be mitigated where relevant, as follows:

- Significant direct negative effects arising for population and human health during the construction phase, largely as a result of noise impacts, which would be mitigated by a suite of appropriate construction phase management measures.

8.7. Land, Soils, Geology, and Hydrogeology

Issues Raised

8.7.1. Issues raised in the Third Party appeal and by observers relate to perceived deficiencies in information with regards to potential impacts on the adjacent basements at Clarion Quay. The Planning Authority raised specific concerns that the Basement Impact Assessment submitted with the application was deficient addressing matters with regards to baseline ground and groundwater conditions, impacts on structures and utilities, risks and hazards, construction sequencing,

ground movement, and impacts on groundwater, including cumulative impacts and proposed mitigation. The Planning Authority concluded that it could not be confirmed that no significant adverse effects are likely to arise.

Context

8.7.2. Impacts on land, soils, geology and hydrogeology are addressed in Chapter 5 of the EIAR which evaluates the likely significant effects on land, soils, geology and hydrogeology. Section 5.2 sets out the detailed methodology used in compiling the assessment data in addition to identifying relevant sources of information (Section 5.2.2) and key guidance documents, including 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports' (EPA, 2022), 'Guidelines for the Preparation of Soils, Geology and Hydrogeology Chapters of Environmental Impact Statements' (IGI 2013), 'Guidelines on Procedures for Assessment and Treatment of Geology, Hydrology and Hydrogeology for National Road Schemes' by Transport Infrastructure Ireland (TII) formerly National Roads Authority (NRA) (TII, 2009). A Water Framework Directive Screening Report has been submitted (Appendix 6.2) in addition to historical site/ground investigations (Appendix 5.2). No difficulties were reported in compiling the information for this chapter.

Baseline

8.7.3. A description of the existing building and the site/surroundings is provided, including details of the existing land use and site history, surrounding land use, soils and subsoils. In terms of site investigations, a detailed site investigation has not been completed due to the existing building and operations on the site and the practicalities of undertaking invasive investigations in that context. The EIAR notes that a ground investigation would be conducted following demolition of the existing building and prior to construction of the secant pile wall. Two historical site/ground investigations have been consulted (one dating from 1968 and one from 1972).

8.7.4. GSI/Teagasc mapping shows that the soil type beneath the site and surroundings comprises urban/made ground. The sequence of subsoils deposits recorded during the site investigations in the vicinity, adjacent sites and immediate surrounding area can be summarized as superficial deposits of fluvial alluvium and cohesive glacial till underlain by carboniferous limestone. The EIAR states that inspection of the available GSI (2024 on-line mapping database) shows that the site is entirely

underlain by dark limestone and shale of the Lucan formation, which comprises carboniferous dark limestone and shale.

8.7.5. The GSI currently denotes a 'Low' (L) vulnerability classification underlaying the entire proposed development site indicating more than 10m overburden of low permeability soils. Bedrock/rock head boulders were encountered in the area at depths of 13m-14.6m below ground level. This is consistent with site investigation data obtained from the historical site investigations carried out in 1968 and 1972. In terms of the 1972 study, this was undertaken centrally within the subject site area and reported:

- A relatively uniform soil profile characterized by soft grey sandy clayey silt was found at the depths till 4.4m below ground level, underlaid by coarse clayey gravel up to a depth of 5.0m.
- Various strata of fine to coarse sandy gravel with shell fragments and cobbles and firm black silty clay at depths of 47.7m to 12.8m.
- Groundwater was encountered at a typical depth of 4.3m below ground level.

8.7.6. The bedrock aquifers underlying the site are classified as a "Locally Important Aquifer – Bedrock which is Generally Moderately Productive", described by the GSI as bedrock - 'Moderately Productive only in Local Zones". The site is also underlain by a locally important gravel aquifer. The importance of the bedrock and soil features at the site is rated as 'Low Importance' and due to local geological attributes, has a low quality, significance or value on a local scale.

8.7.7. The Dublin Ground Water Body (GWB) was given a classification of "Good" for the last Water Framework Directive cycle (2016- 2021). Currently, the Dublin GWB is classified as being under 'Review' to determine if the GWB has achieved its objectives and has either no significant trends or improving trends. The site is not proximate to any groundwater supplies/group schemes and there are no groundwater source protection zones in the immediate vicinity. Above bedrock, the site mostly comprises sandy silty gravel with alluvial deposits which is classified by the GSI as a locally important gravel aquifer.

8.7.8. Further detail presented in the study of the receiving environment includes geological heritage, geohazards and economic geology. Section 5.3.12 identifies relevant areas

of conservation (European sites) in addition to hydrological pathways, both direct and indirect).

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	'Do Noting' has not been considered. In a 'Do Nothing' scenario the site would remain as is and there would be a neutral effect.
Construction	There is potential for existing contaminated soils on site. The construction phase would have the potential for impacts associated with excavation and infilling, accidental spills, discharges, and leaks, management of dewatering and rainfall runoff. Construction works have potential to result in increased suspended solids, increased turbidity and pH, hydrocarbon and chemical spillages and wastewater discharges. Dewatering and rainfall runoff could increase sediment load. Overall, these potential impacts would be ***negative, not significant, and short term***. The Basement Impact Assessment (and updated version submitted as part of the appeal) demonstrates no significant impacts on groundwater conditions, groundwater or surface water flow, existing patterns of surface water drainage (including infiltration to groundwater). Groundwater quality, quantity and classification would therefore be protected. The Basement Impact Assessment also demonstrates no impact on lateral groundwater flows. Human Health and Populations – Potential impacts relate to reductions in groundwater quality through pollutants entering the soil or GWB. Further potential relates to exposure through inhaling the fumes and/or dust from contaminated soil. No nearby wells are in domestic use, the area is serviced by Local Authority mains, there are no nearby public groundwater

	supplies or group schemes and no groundwater protection zones. The potential impacts during the construction phase on human health and populations due to the potential for contamination of soil and groundwater are ***neutral, imperceptible, and short term***. Water Framework Directive - The Water Framework Directive Screening Assessment states that there is no potential for adverse, temporary, or localised impacts on the Dublin Groundwater Body. The development would not cause any significant deterioration or change on its groundwater body status, nor would it prevent attainment or impact the potential to achieve the WFD objectives or to meet the requirements and/or objectives in the second RBMP 2018-2021 (River Basin Management Plan) and draft third RBMP 2022-2027.
Operation	There would be no abstraction of groundwater. The development includes stormwater attenuation that would reduce runoff rates during rainfall events. Incorporation of hardstand area and use of SuDS would have a minor effect on local recharge to ground, but the impact would be insignificant having regard to the size of the site in relation to the total aquifer area. The site is occupied by an existing office building and covered by impermeable surfaces. Potential impacts are ***negative, not significant, and long-term***. Potential impacts on human health and population would be ***neutral, imperceptible, and long term***. There is no potential impact on Water Framework Directive status.
Cumulative	Construction – All developments would be required to implement measures to protect soil and water quality, therefore there would be minimal cumulative impact potential - ***short-term, neutral and imperceptible.***

	Operation - All developments would be required to manage groundwater discharges in accordance with current legislation and guidance. There would therefore be no cumulative impact to groundwater quality and no cumulative impact on the Groundwater Body Status. Operationally, the development would be ***long-term, imperceptible significance*** with a ***neutral*** impact on soil and groundwater.

Mitigation Measures

8.7.9. Construction phase mitigation measures include implementation of the measures identified in the Outline Construction Management Plan which would be overseen and updated as required by the Project Manager, Environmental Manager, Resource Manager, and Ecological Clerk of Works where relevant. The mitigation and control measures outlined in the OCMP would be employed on site during the construction phase. Mitigation measures include:

- Control of dewatering process
- Control of soil excavation
- Regular source of fill and aggregates
- Surface water management during construction (including disposal of collected water)
- Fuel and chemical handling
- Use of silt traps
- Cement and concrete works
- Implementation of the mitigation measures set out in the EIAR via a Construction and Environmental Management Plan (CEMP)

8.7.10. Operationally, no specific mitigation measures are required although design measures would minimise the likelihood of any spills entering the soil and groundwater environment such as the use of hydrocarbon / petrol interceptors. In the event of an accidental leakage of oil, this would be intercepted by the drainage infrastructure proposed.

Residual Impacts

8.7.11. Following the implementation of mitigation measures, the residual construction phase impacts on surface water quality would be ***neutral, imperceptible and short-term*** and the magnitude and significance of impacts on the geological and hydrogeological related attributes would be **negligible**. Construction phase residual effects on human health and populations would be ***neutral, imperceptible and short-term***.

8.7.12. Operationally, the residual impacts on surface water quality would be ***neutral, imperceptible and long-term, whilst*** effects on human health and populations would be ***neutral, imperceptible and long-term***.

Direct and Indirect impacts Assessment

8.7.13. I have examined, analysed, and evaluated chapter 5 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of land, soils, geology, and hydrogeology. I am satisfied that the Applicant's presented baseline environment is sufficient and that the key impacts in respect of likely effects on land, soils, geology, and hydrogeology, as a consequence of the proposed development, have been identified.

8.7.14. I note the issues raised by the Third Party Appellant and observations on the appeal in relation to identification of basements of Clarion Quay. I have addressed these in earlier sections of the report. I am satisfied that subject to conditions, including a Construction Method Statement, there would be no significant impact on the adjacent basements at Clarion Quay, when considered in addition to the mitigation measures proposed in the EIAR. In terms of the Planning Authority concerns I accept that a detailed invasive site investigation has not been conducted for this site and that a desk study has been submitted instead. In my view this is acceptable on balance, given the lack of appropriate areas to conduct trial pits in the currently operational building. In any event, a detailed and invasive study being required by condition prior to development taking place would be sufficient in identifying the ground conditions, potential contamination and appropriate remediation. I note the concerns regarding the adjacent basements, including that the Clarion Quay basement has not been identified in the Applicant's study. Whilst I agree that the Applicant should have made efforts to identify this basement given that it was raised

in observations on the planning application and the grounds of appeal, I am of the view that adjoining basements are fairly standard arrangements in dense urban environments and subject to a survey being completed prior to development taking place in addition to a detailed Construction Method Statement being agreed on foot of the additional surveys, I am fully satisfied that there would be no potential for significant effects on the environment.

8.7.15. I would note that the previous site investigations referred to by the Applicant are rather dated and that the Applicant might reasonably have taken the opportunity to review more up to date information, perhaps available when the site was redeveloped to the current building. Notwithstanding, the information in the site investigations, whilst dated, does align with the additional information from GSI and overall, subject to the conditions and mitigation proposed, I am satisfied that there would be no significant impacts.

8.7.16. As regards the Basement Impact Assessment, I note and have fully considered the updated Basement Impact Assessment submitted as part of the appeal. This is addressed in additional detail in earlier sections of this report. In my view the Basement Impact Assessment largely addresses the concerns laid out by the Planning Authority and I am of the view that there would be no significant impact on groundwater flow or quality.

8.7.17. Overall, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on land, soils, geology, and hydrogeology. Having regard to the provisions of the WFD Screening Assessment, I do not consider that the proposed development would have WFD objective implications for the groundwater environment. I am also satisfied that there would be no significant cumulative adverse impacts

Direct and Indirect Impacts Conclusion

8.7.18. Having regard to my examination of environmental information in respect of land, soils, geology, and hydrogeology, in particular the EIAR provided by the Applicant, the reports of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect land, soils, geology, and hydrogeology effects.

8.8. **Hydrology**

Issues Raised

8.8.1. Issues raised in the Third Party appeal and by observers relate to perceived deficiencies in information with regards to potential impacts on the adjacent basements at Clarion Quay in addition to the location of the site within Flood Zone B and the inappropriate provision of office space below ground, these are addressed in earlier sections of the report. The concerns of the Planning Authority relate mainly to adequate surface water management and concerns regarding the extent of green/blue roofs and other SuDS measures. The Planning Authority noted the comments of the drainage department and concluded that it cannot be confirmed that no significant adverse effects are likely to arise until such time as these issues are addressed.

Context

8.8.2. Hydrology is addressed in full in Chapter 6 of the EIAR. Relevant guidance and legislation are set out and the detailed methodology is provided at section 6.2 of the EIAR. The methodology includes the criteria for rating effects having regard to 'Guidelines on Procedures for Assessment and Treatment of Geology, Hydrology and Hydrogeology for National Road Schemes' by the Transport Infrastructure Ireland (TII, 2009, previously NRA). Water Framework Directive is addressed in Section 6.2.2 and a Water framework Directive Screening Report is included as an appendix. A full list of sources of information is included at section 6.2.3, noting that site specific data was derived from documents submitted with the application, including the Site-Specific Flood Risk Assessment (CS, 2024), Surface Water Management Plan (CS, 2024), Outline Construction Management Plan (CS, 2024), and the Basement Impact Assessment (CS, 2024). An updated Basement Impact Assessment was submitted as part of the appeal to address previous concerns expressed by the Planning Authority. No difficulties were report in completing this section of the EIAR.

Baseline

8.8.3. The site, its immediate surroundings, and topography are described. The site is located within the former Eastern River Basin District (ERBD) as defined in the Water Framework Directive (WFD). The WFD most recent published status for the adjacent

Liffey Estuary Upper WFD transitional waterbody is ‘Good’, and its risk score is stated as being under ‘Review’. The main pressures on the Liffey Estuary Upper are identified as being associated with the presently ‘Moderate’ hydromorphological and biological conditions.

8.8.4. The Liffey Estuary Lower is further downstream (200m) and the status for this transitional waterbody is ‘Moderate’ and is ‘At Risk’ of not achieving good status. The main pressures identified on the Liffey Estuary Lower are associated with the presently ‘moderate’ ecological status or potential in relation to phytoplankton and invertebrates.

8.8.5. The River Liffey is currently classified as Q3 ‘Poor’ according to EPA records from the active water monitoring station (c. 6.35 km upstream), indicating a moderately polluted waterbody. This is based primarily on the relative proportions of pollution sensitive to tolerant macroinvertebrates resident at a river site.

8.8.6. The following surface water drainage infrastructure elements surround the development site:

A. 375mm vitrified clay combined sewer running east to west in North Wall Quay, turning north at the junction of North Wall Quay and Commons Street.

B. Concrete stormwater sewer (between 525mm and 600mm in diameter) in Clarion Quay, at the development site’s north-eastern boundary.

C. Brick stormwater sewer (between 1820mm and 2030mm in diameter) running north to south in Commons Street.

D. The existing stormwater sewer connects to the existing 1870 brick stormwater sewer running north to south in Commons Street and outfalling to the River Liffey. The stormwater sewer in Clarion Quay discharges to a 1700mm diameter stormwater sewer running west to east in Mayor Street Lower and outfalling to either the River Liffey or the Royal Canal near the Samuel Beckett Bridge.

E. An existing 525mm concrete storm sewer running east to west and then turning northwards in Clarion Quay along development site’s northern boundary.

8.8.7. Uisce Éireann drainage and supply records indicate that an existing 200mm ductile iron and an existing 600mm cast-iron watermains in North Wall Quay runs along the development site's southern boundary and also indicate an existing 6-inch diameter cast-iron watermain in Commons Street and an existing ductile iron watermain in Clarion Quay at the development site's north-eastern boundary.

8.8.8. A review of the Dublin City Development Plan 2022–2028 Strategic Flood Risk Assessment shows the development site to be almost entirely within Flood Zone C with a minor a portion along Clarion Quay within Flood Zone B. OPW data does not indicate any recorded historical instances of flooding on or near the development site, from any source.

8.8.9. European sites have been identified (see AA/NIS). The importance of the hydrological features at the site are rated as 'Medium Importance'.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	'Do Noting' has not been considered. In a 'Do Nothing' scenario the site would remain as is and there would be a neutral effect.
Construction	Surface Water Quality – Potential contamination associated with construction such as suspended solids, cement/concrete, hydrocarbons and chemicals, and wastewater. This would pose a risk to surface water quality and sites of conservation. These impacts would be ***negative, significant, and short term***. Surface Water Flow and Quantity – following demolition, the reintroduction of impermeable surfaces could lead to reduced infiltration capacity and increased rate and volume of direct surface run-off, leading to impacts in terms of sediment loading, scouring impacts on the local sewer network and the Liffey Estuary transitional waterbody / watercourse, and downstream impacts. Potential impacts on areas of

	conservation located downstream. Overall impacts would be ***negative, significant and short term***. Human Health and Population – Pollutants entering the Liffey Estuary could reduce water quality. Potential impacts would be ***negative, imperceptible and short term.*** Water Framework Directive – There is no potential for adverse or minor temporary/ long-term or localised effects on the Liffey Estuary surface water body. The proposal would not cause any significant deterioration or change in water body status or prevent attainment, or potential to achieve, future good status or to meet the requirements and/or objectives in the second RBMP 2018-2021 (River Basin Management Plan) and draft third RBMP 2022-2027.
Operation	Surface Water Drainage – Surface water can contain elevated levels of contaminants. The site would connect to existing services, would incorporate SUDS and attenuation/flow control. Potential impacts would be ***negative, not significant, and long-term.*** Foul Wastewater Drainage – Having regard to the design characteristics of the proposal and feasibility of the connection with Uisce Éireann to Ringsend WWTP (which is being upgraded), impacts would be ***neutral, imperceptible, long-term.*** Surface Water Flow and Quantity – Scheme is designed to attenuate flow rates and no abstraction is proposed. In the absence of mitigation, impacts would be ***negative, not significant and long term***.[1]

[1] The EIAR states significant which appears to be a typo when considering the supporting information and the NTS.

	Human Health and Populations – Reductions in water quality, increased hardstanding could lead to off-site flooding. Impacts would be ***negative, not significant, and long term***. Water Framework Directive - There is no potential impact on Water Framework Directive status
Cumulative	Construction phase cumulative impacts would be ***neutral, imperceptible and short-term***. Operational phase cumulative impacts would be ***neutral, imperceptible and long-term.***

Mitigation Measures

8.8.10. Construction phase mitigation includes measures set out in the Outline Construction Management Plan in addition to best practice measures. These measures would be overseen and updated by the Project Manager, Environmental Manager, Resource Manager, and Ecological Clerk of Works where relevant.

8.8.11. A number of construction phase measures have been set out under the following headings:

- Suspended solids (not exhaustive) – Measures employed to minimise erosion, run off contained in settlement tanks and treated, silt reduction measures, orderly development measures (road and vehicle/wheel cleaning), appropriate road surfaces, appropriate storage of soil, sand, and gravel, and having excavations open for as little time as possible to minimise the potential for water ingress. A watching brief would be maintained during excavations and surface water drainage from the site would be managed and controlled with use of a temporary drainage system.
- Cement/concrete works – A risk assessment for wet concreting would be completed prior to works being carried out. Any washouts of concrete vehicles would only take place in designated areas. Emergency response procedures would be implemented in line with industry guidance.

- Hydrocarbons and other construction chemicals – Measures include appropriate bunding, storage, labelling, and refuelling.
- Disposal of collected water – Measures include the control, treatment, management, and removal of water (rainfall, dewatering water etc) and employment of a staged treatment system. Quality of discharged water to the foul and storm network would be in compliance with licence requirements.
- Wastewater management - Foul wastewater discharge from the site would be managed and controlled for the duration of the construction works.
- Surface water flow and quantity – Use of a protection system to reduce the flow of run-off, prevent soil erosion, and protect water quality in the Liffey Estuary. Temporary excavated channels, bunds, silt fences, or ridges (or a combination) to manage sediment-laden water.

8.8.12. Operational design measures include hydrocarbon interceptors. The surface water drainage system includes infiltration areas operating at appropriate rates. Further measures green and blue roofs.

Residual impacts

8.8.13. Construction phase residual impacts would be ***neutral, imperceptible, and short term*** whilst the operational phase residual impacts would be ***neutral, imperceptible and long term.***

Direct and Indirect impacts Assessment

8.8.14. I have examined, analysed, and evaluated Chapter 6 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of hydrology. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on hydrology, as a consequence of the proposed development, have been identified. I note the issues raised in the appeal and by the Planning Authority and the supplementary information and clarifications submitted by the Applicant as part of the appeal. In my opinion, the flood risk and surface water management issues have been resolved and I have addressed these matters in detail in Section 7.9 of the report. Issues relating to Uisce Éireann could be addressed by condition.

8.8.15. In my opinion, suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on hydrology. I would note that a full and detailed Construction Management Plan should be secured by condition, on appointment of a contractor and prior to development taking place. Having regard to the provisions of the WFD Screening Assessment, I do not consider that the proposed development would have any adverse WFD objective implications for the surface water environment. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.8.16. Having regard to my examination of environmental information in respect of hydrology, in particular the EIAR provided by the Applicant, the Planning Authority's reports, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I consider that the main significant direct and indirect effects on hydrology are, and would be mitigated where relevant, as follows:

- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.

8.9. Biodiversity

Issues Raised

8.9.1. No specific issues have been raised by parties to the appeal. The Planning Authority have stated, due to previously mentioned concerns regarding the Basement Impact Assessment and surface water drainage, that it cannot be confirmed that no significant adverse effects are likely to arise.

Context

8.9.2. Biodiversity is addressed in Chapter 7 of the EIAR. Relevant appendices include Appendix 7.1 – Bat Fauna Impact Assessment, and Appendix 7.2 – Natura Impact Statement which I have addressed separately in Section 9 of this report. No difficulties were encountered in compiling the chapter and it is noted that weather conditions were ideal at the time of the site survey.

8.9.3. The methodology has been set out in detail in section 7.2 of the EIAR. A pre-survey biodiversity data search was carried out incorporating date from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA). Phase I habitat surveys were completed at an appropriate time for terrestrial fieldwork and detailed in table 7.1. The surveys were carried out at the appropriate time with the exception of the mammal surveys and additional surveys were not considered necessary given the lack of site features that would form resting or breeding places for mammals.

8.9.4. The relevant Zone of Influence extends beyond the site but limited to noise and light effects, and downstream effects on the River Liffey. Designated conservation sites within 15km of the site and those with potential pathways were examined for potential effects despite being outside the ZOI. This assessment included sites of international importance. GSI data was acquired and plotted against 5, 10 and 15km buffers from the site. A data search of rare and threatened species within 10km of the proposed site was provided by the NPWS. Additional information on rare and threatened species was acquired through the National Biodiversity Data Centre. Further pre-survey data was considered with regard to terrestrial and avian ecology and internal and external areas of the site were surveyed for bats.

Baseline

8.9.5. Designated conservation sites are identified and described in addition to potential pathways. Details of species of interest recorded by the NPWS within a 2 km grid area are set out in Table 7.4 of the EIAR. Records of rare and protected species recorded by the NPWS are provided at Table 7.5. none of these species were recorded on the site but there are some records for grids in close proximity. Habitats surveyed on the site include:

- BL3 – Artificial surfaces and buildings
- BC4 – Flower beds and borders

8.9.6. The overwhelming majority of the site comprises built land. No flora or habitats of conservation importance were recorded. No invasive species were noted on site and no amphibians or reptiles were noted either.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	In the 'Do Nothing' scenario it would be expected that the current operations would continue on site and the biodiversity, primarily ornamental species, would continue to be maintained on site
Construction	Designated Conservation Sites - Construction risks due to site clearance, re-profiling of the site and the building phases which include works close to the River Liffey. There is potential for dust/silt laden and contaminated runoff. Runoff during site works and construction could have effects on the River Liffey and downstream European sites at Dublin Bay. These effects would be ***low adverse / international / negative / not significant / short term.*** <u>Biodiversity</u> Terrestrial mammalian species – no species of conservation importance were recorded. Effects would be ***low adverse / site / negative / not significant / short term.*** Flora – No protected or invasive species noted on site. Effects would be ***low adverse / site / negative / not significant / short term.*** Bat Fauna – No evidence of bat roosts or foraging. Effects would be ***low adverse / site / negative / not significant / short term.*** Aquatic biodiversity - During construction silt and pollution could potentially have effects on the water quality of the river. Effects would be ***low adverse / local / negative / not significant / short term.*** Bird fauna – Potential effects due to noise and if site clearance is carried out during nesting season. Effects would be ***low adverse / site / negative / not significant / short term.***

Operation	Designated Conservation Sites – No significant effects likely during operation. Effects would be ***negligible / international / neutral / not significant / long-term.*** <u>Biodiversity</u> Terrestrial mammalian species – No species noted on site. Effects would be ***low adverse / site / negative / not significant / long-term.*** Flora – No protected flora or invasives on site. Landscaping would add biodiversity. Effects would be ***beneficial / local / negative / not significant / long-term.*** Bat Fauna - The development site is a brightly lit urban environment. No bat roosts or potential bat roosts would be lost and the development would not have a significant collision risk for bat strikes. Effects would be ***neutral / international / not significant / long term.*** Bird fauna – Buildings would clearly be visible to bird species and would not pose a collision risk. Effects would be ***low adverse / local / negative / not significant / short term***
Cumulative	Cumulative effects would be ***neutral, imperceptible*** and ***short term*** for the construction phase and ***long term*** for the operational phase.

<u>Mitigation Measures</u>

8.9.7. Construction phase mitigation measures include:

- Appointment of an Ecologist for consultation on all onsite drainage during works and approval of all site clearance and drainage work methodologies to reduce risks of onsite drainage to the River Liffey.
- Protection of all local drainage connections, gullies, and watercourses from dust, silt, and surface water, and all onsite drainage network connections

would be sealed with no entry of solids or petrochemicals to the drainage network during the works.

- Spill containment equipment shall be available for use in the event of an emergency, replenished if used, and checked on a scheduled basis.
- Dust mitigation would be in place, pre-demolition inspection for bats/birds would be carried out.
- A watching brief would be implemented for contaminated soils and the Ecologist consulted if discovered and a methodology statement provided for treatment/removal in compliance with legislation and as approved by the Ecologist.

8.9.8. Standard operational mitigation measures would be in place to protect surface water networks from pollution. These are outlined in the Engineering Report which details the proposed separate foul and surface water drainage system.

Residual Impacts

8.9.9. Construction phase residual impacts following mitigation (including mitigation set out in Chapters 5, 6, and 10) would be ***slight effects / site / negative effect / not significant / short term / likely*** and operational phase residual effects would be ***slight effects / site / negative effect / not significant / long term/likely.***

Direct and Indirect Impacts Assessment

8.9.10. I have examined, analysed, and evaluated Chapter 7 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of biodiversity. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the proposed development, have been identified. As noted above, impact on biodiversity was not an issue raised in the appeal, but potential effects were raised by the Planning Authority. I have completed a Stage 2 Appropriate Assessment which is set out in Section 9 of this report. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on biodiversity. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.9.11. Having regard to my examination of environmental information in respect of biodiversity, in particular the EIAR provided by the Applicant, the reports of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect biodiversity.

8.10. **Air Quality**

Issues Raised

8.10.1. Whilst not raised specifically in the context of the EIAR, concerns have been raised in the Third Party appeal and observations that there would be air quality impacts during demolition and construction as a result of dust. Dublin City Council's Air Quality Monitoring and Noise Control Unit raised no objection subject to conditions and the Planning Authority concluded that no significant adverse effects are likely to arise to air quality as a result of the proposed development.

Context

8.10.2. Air quality is addressed in Chapter 8 of the EIAR. Relevant legislation and Guidance is set out in Section 8.1.2 and includes Guidance on the Assessment of Dust from Demolition and Construction Version 1.1 (Institute of Air Quality Management (IAQM), 2024). Limit values for numerous pollutants with the limit values for NO2, PM10, and PM2.5 being relevant to this assessment and set out in Table 8.1 and 8.2 Chapter 8. Table 8.1 includes dust deposition limits.

8.10.3. The EIAR gives the major dust generating activities as being demolition, earthworks, construction, and track out (transport of dust and dirt from the construction site onto the public road network). Whilst construction phase traffic has the potential to impact air quality, this has been scoped out as the EIAR considers that this was not required under TII guidance (based on several thresholds outlined in Section 8.2.2).

8.10.4. Operational phase traffic has the potential to impact on local air quality as a result of increased vehicle movements. The EIAR states that there would be minimal vehicles accessing the site during the operational phase, that the relevant TII thresholds would not be breached, and that there would be no changes to traffic speeds or road alignment and states that a quantitative assessment of the impact of traffic emissions

on ambient air quality is not necessary as there is no potential for significant impacts to local air quality.

Baseline

8.10.5. Meteorological data has been considered. The nearest representative weather station is Dublin Airport, and data has been examined for wind direction and average speed. The predominant wind direction being westerly to south westerly with a mean speed of 5.4m/s. On average 200 days per year have rainfall over 0.2 mm (Met Eireann, 2023).

8.10.6. The most recent annual report on air quality in Ireland is 'Air Quality In Ireland 2022' (EPA, 2023). The EPA website details the range and scope of monitoring undertaken throughout Ireland and provides both monitoring data and the results of previous air quality assessments (EPA, 2023). Four air quality zones have been defined in Ireland for air quality management and assessment purposes. The development site is within Zone A (Dublin). Continuous/long term monitoring has been undertaken at four locations from 2018-2022, looking at NO2, PM10, and PM2.5. Estimates given for the subject site, based on the continued monitoring of EPA sample sites, are well below national and European ambient air quality standards.

8.10.7. In terms of sensitivity of the receiving environment, high sensitivity receptors are regarded as residential properties where people are likely to spend the majority of their time, schools and hospitals. The EIAR states that there are between 1 and 10 high sensitivity residential receptors within 20 m of the development boundary and that the sensitivity of the area to dust soiling impacts is considered medium, based on IAQM criteria. The sensitivity of the area to human health impacts is considered low. High sensitivity ecological receptors are sites with European or National designation with particularly dust sensitive species present. These designated areas would be unaffected by dust emissions due to the distance from the works. The designated sites are all more than 50m away from the proposed development which is the area of potential impact as per IAQM guidelines (IAQM 2014).

Predicted Impacts

Project Phase	Potential Effects

Do Nothing	Ambient air quality at the site would remain as per the baseline and no effects of dust or emissions would occur. However, the EIAR considers it likely that a development of a similar nature would be constructed in the future and therefore, the construction and operational phase impacts would be similar to those outlined.
Construction	Demolition – The existing building would be demolished, the dust emission magnitude from demolition would be large (based on the scale of demolition) and there would be a high risk of soiling impacts. Earthworks - Dust emission magnitude for the proposed earthwork activities can be classified as medium as the total site area is between 18,000 m2 - 110,000 m2 and a medium risk of dust soiling impacts. Construction - The dust emission magnitude is large as the total building volume would be more than 75,000 m3, resulting in a medium risk of dust soiling impacts. Trackout - The dust emission magnitude for trackout can be classified as medium (worst case scenario between 20 than 50 outward HGV movements per day), resulting in a medium risk of dust soiling impacts. There is at most a high risk of dust soiling and human health impacts. In the absence of mitigation, dust impacts are predicted to be ***direct, short-term, negative and slight***. There is also the potential for traffic emissions to impact air quality in the short-term due to HGVs accessing the site. Construction stage traffic air quality has been scoped out based on TII thresholds and criteria. The EIAR concludes that construction stage traffic would have a ***direct, short-term, negative and imperceptible*** impact on air quality.

	Human Health - Dust emissions have potential to impact human health due to the release of particulate matter. In the absence of mitigation there is the potential for ***direct, short-term, negative and imperceptible*** impacts to human health as a result of construction dust emissions.
Operation	Traffic - Potential for emissions of NO2, PM10 and PM2.5 as a result of maintenance vehicles and other vehicles entering the site. Due to the infrequent nature of maintenance activities and the low number of vehicles associated with the development, TII thresholds are not breached. Additionally, there are no proposed changes to the traffic speeds or road alignment. A detailed air quality assessment was therefore scoped out for the operational stage of the development as per the TII screening criteria. Operational stage impacts to air quality are predicted to be ***direct, long-term, negative and imperceptible.*** Human Health - A detailed air dispersion modelling assessment of traffic emissions was conducted, and it was determined that emissions of air pollutants are predicted to be significantly below the ambient air quality standards which are based on the protection of human health. The impact to human health would therefore be ***direct, long-term, negative and imperceptible***.
Cumulative	Construction - Potential for cumulative construction dust impacts where the construction phase of developments that are within 500m of each other coincide. Provided the mitigation measures outlined in Section 8.6.1, are implemented, significant cumulative dust impacts are not predicted. Operation - There is no potential for significant cumulative impacts with other development and the impact is predicted to be ***direct, long-term, negative and imperceptible.***

Mitigation Measures

8.10.8. Construction phase mitigation measures are set out in Section 8.6.1 of the EIAR where it is confirmed that the various measures would be incorporated into the management plan. Construction phase mitigation is activity specific:

- Communications – community engagement, stakeholder communications plan and appropriate contact details.
- Site management – monitoring of dust control measures, complaints register and detail of remedial actions.
- Preparing and maintaining the site – locate dust causing activities away from receptors, erection of screens, avoid site runoff, keep fencing/barriers and scaffolding clean, remove dust causing materials quickly, stockpile management.
- Operating vehicles/machinery and sustainable travel – No idling, use mains electricity, speed limits on-site, Construction Logistics Plan, Travel Plan.
- Operations – use of suitable dust suppression techniques, ensure adequate water supply (prioritising use of non-potable water), enclosed chutes and covered skips, minimise drop heights, appropriate cleaning equipment.
- Waste management – avoid bonfires and burning of waste.
- Measures specific to demolition – Soft strip prior to demolition, water suppression, bag and remove biological debris or damp down material before demolition.
- Measures specific to earthworks – re-vegetate/stabilise stockpiles, use of a bowser.
- Measures specific to construction – storage of sand and other aggregates in bunded areas, enclosed deliveries for cement and fine powdered materials, sealed bags and appropriate storage.
- Measures specific to trackout – speed restriction, avoid dry sweeping, covered loads, inspections, mobile sprinkler systems/bowsers, hard surfaced haul routes, wheel wash system.

- Monitoring – Dust soil checks and cleaning, increased frequency of inspections when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.

8.10.9. No operational phase mitigation is required.

Residual impacts

8.10.10. Construction phase residual impacts are ***direct, short-term, negative, and not significant***. Best practice measures would be employed and mitigation measures would ensure compliance with all EU ambient air quality legislative limit values. The predicted residual, dust-related, human health impact of the construction phase of the proposed development is ***direct, short-term, negative and not significant***.

8.10.11. Operational phase residual impacts, based on traffic emissions and increased traffic volumes during the operational phase of the development would be ***direct, long-term, negative and imperceptible***. Emissions of air pollutants during the operational phase are predicted to be significantly below the ambient air quality standards, which are based on the protection of human health. Therefore, residual impacts to human health related to air quality would be ***direct, long-term, negative and imperceptible.***

Direct and Indirect Impacts Assessment

8.10.12. I have examined, analysed, and evaluated Chapter 8 – Air Quality of the EIAR and all of the associated documentation, submissions, and observations on file in respect of air quality. I am satisfied that the Applicant's understanding and assessment of baseline environment is comprehensive and that the key impacts in respect of likely effects on air quality, as a consequence of the proposed development, have been identified and analysed. I note that no specific issues were raised either in the observations or the Third Party Appeal, with issues raised being more broadly related to air quality impacts.

8.10.13. A detailed assessment of construction stage traffic emissions was not undertaken. However, I agree with the Applicant's decision to scope this out based on TII guidance, noting that none of the relevant thresholds or criteria would be exceeded. Consideration of operational air quality is sufficient in my opinion, considering the significantly lower level of parking proposed as part of the development in

comparison to the existing office building and I accept that the traffic volume associated with the development would not be significant. And as such there would be no significant impact on emissions. I agree that there would be no significant air quality impact.

8.10.14. Suitable mitigation measures and best practice methods have been proposed, and I am satisfied that they would be sufficient to ensure that there would be no significant adverse impacts on air quality. I am also satisfied that there would be no significant cumulative adverse impacts, subject to the implementation of the proposed mitigation,

Direct and Indirect Impacts Conclusion

8.10.15. Having regard to the foregoing examination of environmental information in respect of air quality, in particular the EIAR provided by the Applicant, the view of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect air quality effects and that negative effects arising for air quality during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust minimisation measures.

8.11. **Climate**

Issues Raised

8.11.1. No specific issues are raised in the Third Party appeal or observations with regards to climate in the context of the EIAR although several concerns are raised regarding the demolition of the existing building and embodied carbon. These are addressed separately in this report. The Planning Authority have again referenced concerns with regards to flood risk, stating that a revised flood risk assessment is required due to the proposed use and location within Flood Zone B. Further concerns raised by the Planning Authority relate to the demolition of the existing building which would be contrary to Policy CA6. On this basis the Planning Authority have concluded that it cannot be confirmed that no significant adverse effects are likely to arise. The issues raised are dealt with separately in this report.

Context

8.11.2. Chapter 9 of the EIAR addresses the likely climate impacts associated with the proposed development. A comprehensive list of all relevant guidance and legislation is provided at the outset of section 9.2 which outlines the methodology. This chapter should be read in conjunction with the Whole Life Carbon Assessment submitted with the application.

8.11.3. The methodology provides background data on the criteria for rating impacts, having regard to climate agreements and policies, climate assessment significance criteria. Climate assessment is divided into two sections.

- Greenhouse Gas Emissions Assessment (GHGA) – Quantifies the GHG emissions from a project over its lifetime. The assessment compares these emissions to relevant carbon budgets, targets and policy to contextualise magnitude.
- Climate Change Risk Assessment (CCRA) – Identifies the impact of a changing climate on a project and receiving environment. The assessment considers a projects vulnerability to climate change and identifies adaptation measures to increase project resilience.

8.11.4. Methodologies for the construction and operation phases of the GHGA are set out, including calculation of embodied carbon and traffic related carbon dioxide (CO2) emissions for the construction phase and climate change vulnerability for the operational phase. A detailed assessment of traffic related emissions was not conducted as there are no road links that meet or exceed the following criteria:

- A change of more than 10% in AADT;
- A change of more than 10% to the number of heavy duty vehicles; and
- A change in daily average speed of more than 20 km/hr.

8.11.5. No difficulties were reported in compiling the date for this section.

Baseline

8.11.6. The baseline environment is set out in detail in section 9.3 of the EIAR, this includes the current GHGA baseline, future GHGA baseline, current CCRA baseline, future CCRA baseline, and details of climate change vulnerability.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	'Do Nothing' has not been considered but it can reasonably be assumed that in the short term the site would remain as is and construction works, increased traffic, and associated emissions would not occur.
Construction	Greenhouse Gas Assessment – The development is estimated to result in total GHG emissions of 180,171,409 tonnes embodied CO2eq for the embodied and operational processes which is equivalent to 0.08% of the 2030 Buildings (Residential) or Industrial Sector Budgets. Embodied carbon of materials and construction activities would be the primary source of climate impacts during the construction phase. Impacts on climate would be ***minor adverse, negative and long-term***. Climate Change Risk Assessment - During the construction phase no assessment is required. Consideration would be given to climate change vulnerability impacts and mitigation/best practice measures are recommended.
Operation	Greenhouse Gas Assessment – Traffic related emissions do not meet the assessment criteria and would not be significant. Further best practice measures and designed in mitigation are provided. On the basis that the targets set out in the climate action energy statement and future CAP policy updates are met, then operational carbon impacts would be ***minor adverse, not significant and long-term.*** Climate Change Risk Assessment – The following climate hazards were considered: flooding (coastal, pluvial, fluvial); extreme heat; extreme cold; drought; extreme wind; lightning, hail, and fog. The development has low vulnerability to the identified climate hazards and no significant impacts were identified/predicted.

Cumulative	The assessment approach is inherently cumulative. In relation to Greenhouse House Gas the cumulative impact is ***direct, long-term, minor adverse, and not significant***.

Mitigation Measures

8.11.7. Construction phase mitigation measures include choosing materials/methods with the highest life cycle embodies carbon, maximising recycling and reuse, opting for appropriate plant and equipment. A suite of best proactive measures would be implemented including no idling, maintained machinery, minimise waste, reuse/recycle/recovery, and local sourcing where possible.

8.11.8. Operational phase mitigation includes design mitigation such as a Building Energy Rating (BER) of A3, EV charging, bicycle parking, and adequate attenuation and drainage has been incorporated to avoid potential flooding impacts due to increased rainfall, use of durable and sustainable building fabric and fittings, green and blue roofs, waste management.

Residual Impacts

The residual effects of the proposed development in relation to GHG emissions are ***direct, long-term, minor adverse and not significant***. In the case of climate change vulnerability, there are no significant risk to the development.

Direct and Indirect impacts Assessment

8.11.9. I have examined, analysed, and evaluated Chapter 9 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of climate. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on climate, as a consequence of the proposed development, have been identified.

8.11.10. Specific issues were raised by the Planning Authority and in the appeal regarding the demolition of the existing building and impacts on embodied and whole life carbon in respect of CDP policies, rather than in the context of the EIAR and wider impacts as a result of the construction and operational phases. I have addressed these matters in detail in Section 7.7 of this report. In terms of the wider issues regarding climate and the construction/operation of the development, I consider that

suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse impacts on climate as a result of this development. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.11.11. Having regard to my examination of environmental information in respect of climate, in particular the EIAR provided by the Applicant, the Planning Authority's reports, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect climate effects.

8.12. Noise and Vibration

Issues Raised

8.12.1. Observations on the First Party appeal state that there would be noise impacts during demolition and construction. Dublin City Council Air Quality Monitoring and Noise Control Unit assessed the proposed development and raised no objection, subject to conditions.

Context

8.12.2. Impacts of the project on noise and vibration are addressed in chapter 9 of the EIAR, with the methodology for the assessment described, information sources referenced, and relevant legislation outlined. A baseline noise survey has been undertaken surrounding the development site to establish the prevailing noise environment across the site and at the nearest noise sensitive locations (NSLs) with predictive calculations used for both construction and operational phases. Construction noise criteria consider residential and other noise sensitive receptors in addition to commercial receptors. Construction vibration criteria consider human comfort and cosmetic/structural damage to buildings. Operational noise relates mainly to plant and additional traffic movements. Operational phase vibration has been scoped out given the lack of vibration sources associated with the proposed development. No difficulties were reported by the relevant author in the assessment of noise and vibration.

Baseline

8.12.3. A baseline noise survey was undertaken. Four attended noise measurements were conducted at Locations AT1, AT2, AT3 and AT4 as shown on Figure 10.1 of the EIAR. Noise measurements were conducted between 11:00 and 15:00 on the 29th August 2023. The results for the four assessment locations are set out in tables 10.8-10.11 of the EIAR and are summarised as follows:

- Location AT1 - Ambient noise levels were in the range of 66 to 67dB LAeq,15min with background noise levels (i.e. LA90 values) in the range of 55 to 56dB LA90,15min.
- Location AT2 - Ambient noise levels were in the range of 58 to 59dB LAeq,15min with background noise levels (i.e. LA90 values) in the range of 55 to 56dB LA90,15min.
- Location AT3 - Ambient noise levels were in the range of 60 to 61dB LAeq,15min with background noise levels (i.e. LA90 values) in the range of 55 to 55dB LA90,15min.
- Location AT4 - Ambient noise levels were in the range of 68 to 69dB LAeq,15min with background noise levels (i.e. LA90 values) in the range of 57 to 58dB LA90,15min.

8.12.4. A desktop review of publicly available noise maps has also been undertaken.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	'Do Nothing' has not been considered for noise and vibration (with the exception of traffic noise). In the absence of development taking place, the noise/vibration environment would remain generally unchanged and as reported in the baseline study.
Construction	Noise would occur at all stages of the construction programme. Key stages include: • Building demolition; • Piling and basement excavation;

	• Foundation construction; • Site services installations (drainage, power, water) • Construction of building frame and envelope; and • Fit out of interior and exterior landscaping. Highest noise levels would be associated with demolition and piling, with highest potential noise levels of 90dB LAeq at 10 metres. Details of predicted noise levels for the relevant construction stages at distances of 15m, 25m, 40m, 80m and 100m are set out in table 10.12 of the EIAR. Without mitigation, construction noise thresholds are likely to be exceeded - ***negative, very significant to profound and temporary*** potential impacts are forecast as a worst case for the closest homes during the most noise intrusive activities relating to demolition and piling. Likely for a maximum of 6 months. Structural construction works are predicted to result in a ***negative, moderate to significant and short term*** potential impact. Works taking place further into the site at distances beyond 80m are likely to be ***negative, slight to moderate and short term.*** General construction impact is predicted to be ***negative, moderate and short term***, reducing to ***negative, slight to moderate and short term*** beyond 25m from the construction works. Minimal impact is predicted in terms of construction phase traffic noise which would be ***negative, imperceptible and short-term.*** The main potential source of vibration during the construction programme is associated with excavation activities into hard ground. Depth to bedrock within the site has been established

	at approximately 10+ m below ground and would be confirmed by site investigations post-demolition. In terms of human response, there is potential for a ***negative, moderate, brief impact*** for building occupants within 20m.
Operation	Building services and plant noise is predicted to be ***neutral, not significant and long-term.*** Traffic and vehicle noise is calculated to be ***neutral, imperceptible and long-term.***
Cumulative	Construction - noise levels from this site would dominate the noise environment when occurring in proximity to the noise sensitive locations along its immediate boundary. Noise from other construction sites would need to be equal to those associated with the proposed development in order to result in any cumulative effect. In a worst-case scenario construction noise levels could increase by up to 3dB. Operation - No cumulative noise impacts associated with the proposed development. Operational noise limits included in this report refer to cumulative noise from all fixed installations on site.

Mitigation Measures

8.12.5. The Applicant proposes a number of best practice noise and vibration measures aimed at avoiding significant impacts at the nearest sensitive buildings. Construction Noise Thresholds have been set at 65dB for residential and 75dB for other locations. Best practice measures set out in BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014, would be adopted. Mitigation includes the selection of quiet plant, noise control at source, use of enclosures and screens around noise sources and site boundaries, limiting the hours of work, noise and vibration monitoring.

8.12.6. Operational phase mitigation includes selection of appropriate plant, acoustic louvres and attenuators on plant rooms/enclosures, solid plant screens, regular maintenance, installed plant would have no tonal or impulsive characteristics when

in use. No mitigation is necessary for traffic associated with the operation of the development.

Residual impacts

8.12.7. Construction noise levels can be controlled to within the relevant thresholds at the closest sensitive locations for the majority of the construction phases, thus resulting in a ***negative, moderate to significant and short term impact.*** Potential elevated periods of construction noise would be experienced over temporary periods. At greater distances the residual noise impacts would be reduced. Construction traffic noise residual impacts would be ***negative, imperceptible and short-term***. Construction vibration residual impacts would be ***neutral, not significant, and short-term*** (impacts to buildings), and ***negative, not significant to slight, and brief to temporary*** impact (human response).

8.12.8. Operational impacts would be ***neutral, not significant and long-term*** for building services and plant noise, whilst traffic and vehicle noise would be ***neutral, imperceptible, and long-term***.

Direct and Indirect impacts Assessment

8.12.9. I have examined, analysed, and evaluated chapter 10 – Noise and Vibration of the EIAR and all of the associated documentation, submissions, and observations on file in respect of noise and vibration impacts. I am satisfied that the key noise and vibration impacts, as a consequence of the proposed development, have been identified.

8.12.10. In terms of the baseline noise assessment, I note that only three 15 minute measurements were taken at each measurement location. The brevity and limited nature of the survey is such that its robustness is questionable and the results of the baseline noise survey clearly have limited application in the assessment. Nevertheless, information was also extracted from the publicly available noise maps and overall, I am satisfied that the predicted noise levels and conclusions are reasonable. This a dense inner city site and construction noise impacts are inevitable in these types of environments if development is to come forward. In my opinion, the predicted noise impacts are valid and, in any event, the mitigation measures put forward by the Applicant, in addition to the potential for appropriate

planning control by way of conditions is such that any significant impacts would be limited and temporary in nature.

Direct and Indirect Impacts Conclusion

8.12.11. Having regard to my examination of environmental information in respect of noise and vibration impacts, in particular the EIAR provided by the Applicant, the view and report of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I consider that the main significant direct and indirect noise and vibration impact is, and would be mitigated where relevant, as follows:

- Direct negative noise effects arising for residential noise sensitive locations at Clarion Quay along the northern and eastern site boundaries during the construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures, adherence to best practice measures, and planning conditions.

8.13. Archaeology and Cultural Heritage

Issues Raised

No specific issues have been raised by any of the parties to the appeal. Dublin City Council Archaeology Division have assessed the proposal and have raised no objection subject to conditions.

Context

8.13.1. Cultural heritage, archaeology, and architectural heritage are addressed in chapter 11 of the EIAR. The methodology sets out the relevant guidelines and legislation at both national and EU level, including the Valletta Convention. A study area of approximately 300m from the proposed development was assessed, with reference to important relevant findings farther afield. The assessment methodology included consulting the Record of Monuments and Places (RMP), recorded archaeological objects (NMI), recorded archaeological excavations (excavations.ie), cartographic sources, aerial photography, historical research and the Dublin CDP recorded archaeological excavations. No difficulties were reported by the study authors.

Baseline

8.13.2. A Historical background is given for the area from pre-history (8000BC – 400AD), early medieval period (c. 400AD – 1100AD), later medieval period (c. 1100AD – 1650AD), to the post medieval period which dates from c. 1650Ad to present. The site does not include any Protected Structures, structures listed on the NIAH or any archaeological sites. The site is however, located within the zone of archaeological potential for the historic centre of Dublin City, which is a recorded monument (DU018-020).

8.13.3. There are two recorded archaeological sites listed in the RMP within the 300m study area. Neither of these would be impacted directly or indirectly by the proposed development. Aerial photography images from 1995 (Figure 11.8) and 2000 (Figure 11.10) indicate the land proposed for development has been redeveloped extensively in the recent past, during the construction of the financial district along the north side of the quays.

8.13.4. Archaeological investigations in the area revealed medieval remains, and four revealed post-medieval remains. Mesolithic fish traps were recovered from beneath the overlying 18th century reclaimed land approximately 450m from the site. Desktop surveys did not highlight any previously unrecorded archaeological sites within the site of the proposed development.

8.13.5. The main potential for disturbance relates to the construction stage which would include substantial ground disturbance due to basement excavation, piling and basement construction.

8.13.6. Predicted Impacts

Project Phase	Potential Effects
Do Nothing	In a 'Do Nothing' scenario, unrecorded buried archaeological heritage would be preserved in-situ. However, it is likely that a development of a similar nature would be progressed with a similar archaeological impact to that proposed
Construction	Development would involve ground disturbance to a deeper level than for previous developments, potentially below the depth of reclaimed land. There is therefore potential for impact on archaeological features or finds that may survive below the

	land infilled in the 18th century. The potential impact of the proposed development on the archaeological and cultural heritage is deemed to be ***negative, moderate and permanent.***
Operation	No potential impacts anticipated.
Cumulative	Low potential for cumulative construction impacts given development history. If features exist, they would be archaeologically recorded prior to construction. Development in the wider area has uncovered previously unrecorded archaeology. The academic knowledge gained from the excavation of these features, has resulted in a net cumulative ***permanent, significant, positive*** impact. There is no potential for cumulative operational impacts as there would be no disturbance to ground.

Mitigation Measures

8.13.7. Construction phase mitigation measures include the appointment of a suitably qualified archaeological consultant to oversee the works and undertake the required archaeological mitigation strategy in consultation with the Dublin City Archaeologist and National Monuments Service of the Department of Housing, Local Government and Heritage, to discuss the construction methodology and agree an appropriate strategy to mitigate against the potential impacts of the proposed development on archaeology. Archaeological monitoring of ground works would be carried out to identify features or deposits of archaeological significance with further mitigation as required, including provision for excavation No operational phase mitigation is required.

Residual impacts

8.13.8. No residual impacts identified for either the construction or operational phases.

Direct and Indirect impacts Assessment

8.13.9. I have examined, analysed, and evaluated chapter 11 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of archaeology and cultural heritage. I am generally satisfied with the Applicant's presented baseline information and that the key impacts in respect of likely effects on archaeology and cultural heritage have been identified.

8.13.10. I find that the mitigation measures proposed would be sufficient to ensure that there would be no significant adverse impacts on archaeology and cultural heritage, and I am satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.13.11. Having regard to my examination of environmental information in respect of archaeology and cultural heritage in particular the EIAR provided by the Applicant, the reports of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect effects.

Traffic and Transportation

Issues Raised

8.13.12. Issues raised in the Third Party appeal and observations relate to concerns regarding the use of Alderman Way, impacts on Rights of Way and access, potential increase in traffic and congestion, conflicts with cycle parking access and pedestrians, and deficient information.

Context

8.13.13. Chapter 12 of the EIAR relates to Traffic and Transportation and presents an analysis of the proposal's construction and operational trip generation potential, traffic impact, and public transport demand. This information is also presented in the Traffic and Transport Assessment (TTA) which examines certain further aspects of the proposed development that are not pertinent to an EIAR. These issues are primarily addressed in the earlier Transport and Traffic section of my report. The EIAR sets out the relevant guidance and legislation as well as outlining the methodology which included:

- Area desktop study looking at existing infrastructure and services and proposed improvements.

- Junction turning count vehicular traffic surveys at seven existing junctions.
- Multi-modal development trip generation assessment using TRICS database and CSO national census data, quantifying potential trips to and from the site across several modes of transport for existing and proposed.
- A specialist Public Transport Capacity Assessment.

8.13.14. Difficulties encountered in compiling the assessment data include being prevented from installing survey equipment at one of the intended traffic survey sites, although noting that this was the least important of the junctions to be surveyed and the absence of the data did not impede analysis of the overall impact on traffic flows. As a main contractor has not been appointed certain assumptions have been made, including in regard to working hours, frequency of construction trips and personnel numbers etc. These are generally representative of conditions on similar sites and do not compromise the methodology. No difficulties were encountered in terms of the operational phase. Cumulative impacts rely on the application of TII standard traffic growth rates, which in turn incorporate assumptions.

Baseline

8.13.15. The site and surrounding environment are described, including transport provision (public and private), as are the relevant characteristics of the proposed development. The assessment considers the net influence of the development on vehicular traffic flows at nearby junctions in addition to impacts on public transport. The EIAR describes the existing road network characteristics, existing local vehicular traffic flows, pedestrian accessibility, bicycle infrastructure and accessibility, local public transport services, and shared transport facilities (such as bicycle hire).

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	'Do Nothing' has not been considered; however, the capacity and performance of junctions and the local road network would remain unchanged with the exception of forecasted

	growth and the impacts of other committed development in the area.
Construction	The development could potentially lead to oversaturation of nearby junctions, obstructions on surrounding streets, and temporary degradation of street surfaces due to dirt/debris. These impacts would be ***negative, short term and significant***. The proposal would remove existing traffic generated by the operation of the current office building leading to a ***slight positive, short term*** effect. Overall construction phase effects would likely be ***negative, short-term and moderate***.
Operation	The development would lead to obstruction of adjacent streets as a result of parked cars/servicing as well as overspill parking by building occupants. These impacts would be ***negative, long term and moderate***. There would be negligible changes to existing traffic flows in the area which would be ***negative, long term and slight***. Public transport impacts would be ***negative, long term, and slight.***
Cumulative	Construction phase cumulative effects would be ***negative, short term and slight.*** Operational phase cumulative effects would be ***long-term, significant, and negative,*** largely due to the TII-derived projected growth in background traffic over the next 22 years, which is unrelated to the proposed development

Mitigation Measures

8.13.16. Construction phase mitigation would largely comprise measures typically set out in a Construction Management Plan, including, amongst other measures - restricting

heavy construction traffic to designated routes, road sweeping/cleaning, on-site loading/unloading, scheduled deliveries, staggered vehicle movements, reuse of materials and encouraging sustainable travel measures by personnel.

8.13.17. Operational phase mitigation includes design and management elements such as reduced car parking provision, high provision of cycle parking, implementation of a Workplace Travel Plan, and implementation of a Delivery and Service Management Plan.

Residual Impacts

8.13.18. With the construction mitigation outlined above, residual construction phase impacts would be ***slight, positive,*** and ***short term***.

8.13.19. Operational residual impacts would be ***negative*** in nature, ***long-term*** in duration, but ***not significant***.

Direct and Indirect Impacts Assessment

8.13.20. Having regard to the foregoing, in addition to my assessment of the specific transport related issues raised by in Third Party appeal and by observers as considered in full in Section 7.10 of this report, and having examined, analysed, and evaluated Chapter 12 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of traffic and transportation. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on traffic and transportation, as a consequence of the proposed development, have been identified.

8.13.21. Suitable mitigation measures have been proposed which I consider are sufficient to ensure that there would be no significant adverse traffic and transportation impacts. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.13.22. Having regard to my examination of environmental information in respect of traffic and transportation, in particular the EIAR provided by the Applicant, the view and report of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I consider that the main significant direct and indirect traffic and transportation impact is, and would be mitigated where relevant, as follows:

- Significant, indirect, shot-term effects arising from construction traffic potentially leading to oversaturation of nearby junctions, obstructions on surrounding streets, and temporary degradation of street surfaces due to dirt/debris.

8.14. **Material Assets – Waste Management**

Issues Raised

8.14.1. No specific issues were raised by any parties to the appeals in relation to waste. The Planning Authority was satisfied that, subject to the implementation of mitigation, there would not be any significant adverse effects on material assets (waste) arising from the proposed development.

Context

8.14.2. The matter of waste is addressed in Chapter 13 of the EIAR. A site specific Resource Waste Management Plan and separate Operational Waste Management Plan have been prepared and are included as appendices 13.1 and 13.2 to the EIAR respectively. Chapter 13 evaluates the likely impacts, if any, that the proposed development may have on waste management. Relevant legislation and policy are outlined, and a detailed methodology is provided. This included a review of relevant legislation and policy, desktop studies, and estimates of waste generation and type.

8.14.3. In terms of difficulties encountered, it is stated that until final materials and detailed demolition and construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that would be generated from the proposed works as the exact materials and quantities may be subject to some degree of change and variation during the construction process. Selected licensed waste facilities may not be available when required and other more appropriate waste facilities may come into operation. Selection of waste contractors and waste facilities would be subject to appropriate selection criteria including proximity, competency, capacity and serviceability.

Baseline

8.14.4. The receiving environment is largely defined by Dublin City Council as the local authority responsible for setting and administering waste management activities in the area. There would be waste materials generated from demolition, construction

and operation. Demolition and construction waste estimates are provided in tables 13.1 and 13.2, showing the split between re-use, recycle/recovery, and disposal. In addition to this it is noted that 120,000 cubic metres of material would need to be excavated. Operational waste figures are provided in table 13.3 and includes the office use, community/arts use and retail.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	A 'Do Nothing' scenario has not been considered in the EIAR in terms of waste, but it is likely that there would be a neutral effect as the situation would remain unchanged However, future development would likely have similar effects to those outlined in the EIAR.
Construction	The development would generate a range of hazardous and non-hazardous waste materials during demolition, excavation, and construction. General housekeeping, packaging and typical municipal waste would also be generated. Waste materials would be required to be temporarily stored in the construction site compound or adjacent, pending collection. If not stored correctly, it could lead to litter or pollution. The effect on the local and regional environment is likely to be ***indirect, short-term, significant, and negative***. The use of non-permitted waste contractors or unauthorised waste facilities could result in inappropriate management of waste resulting in indirect negative environmental impacts with ***indirect, long-term, significant and negative effects.*** Correct classification and segregation of the excavated material is required to ensure that any potentially contaminated materials are managed appropriately both on and off-site. In the absence of mitigation, the effect on the local

	and regional environment is likely to be ***indirect, short-term, significant and negative***.
Operation	Diversion from the priorities of the waste hierarchy would lead to small volumes of waste being sent unnecessarily to landfill and the effect is likely to be ***indirect, long-term, significant and negative***. If waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues at the development site and in adjacent areas, possibly attracting vermin. The effect is likely to be ***indirect, short-term, significant and negative***. The use of non-permitted waste contractors or unauthorised facilities could give rise to inappropriate management of waste and result in negative environmental impacts or pollution. Effects would be ***indirect, long-term, significant and negative.***
Cumulative	There is potential for other developments in the area to be developed concurrently or overlap in the construction phase. There are a high number of waste contractors in the region and sufficient capacity of service providers. Similar waste materials would be generated by all other developments. The cumulative effect would be ***short-term, imperceptible and neutral***. Operationally, other developments would generate similar waste types. Waste contractors would be required to collect waste materials segregated, at a minimum, into recyclables, organic waste and non-recyclables. Other development would have to comply with relevant legislation/policy. Increased density would likely improve the efficiencies of waste collections in the area. Cumulative effects would be ***long-term, imperceptible and neutral.***

Mitigation Measures

8.14.5. Construction measures include the provision and implementation of an updated Resource Waste Management Plan, appointment of a Resource Manager, correct classification and segregation of excavated material, use of appropriate building materials to design out waste, on-site segregation of waste materials, re-use of materials, appropriate storage practices and transportation, re-use/recycle/recovery, and maintenance of appropriate records.

8.14.6. Operational measures include the full implementation of the Operational Waste Management Plan, appropriate resourcing and auditing, on site segregation, colour coded storage, re-use/recycle/recovery, appropriate transportation and use of licensed facilities.

Residual impacts

8.14.7. Following the implementation of mitigation, the residual construction phase impacts would be ***short-term, imperceptible and neutral*** whilst the operational phase residual impacts would be ***long-term, imperceptible and neutral***.

Direct and Indirect impacts Assessment

8.14.8. Having examined, analysed, and evaluated Chapter 13 Material Assets – Waste Management of the EIAR and all of the associated documentation, submissions, and observations on file in respect of waste, I am fully satisfied that the Applicant's presented baseline environment is valid and that the key impacts in respect of likely effects on waste, as a result of the proposed development, have been identified.

8.14.9. Suitable mitigation and best practice measures have been proposed, and I consider them sufficient to ensure that there would be no significant adverse impacts on waste. I am also satisfied that there would be no significant cumulative adverse impacts.

Direct and Indirect Impacts Conclusion

8.14.10. Having regard to the examination of environmental information in respect of material assets - waste, in particular the EIAR provided by the Applicant, the reports of the Planning Authority, and the submissions and observations received by both the Planning Authority and the Board in the course of the application, I consider that the

main significant direct and indirect waste effects are, and would be mitigated where relevant, as follows:

- Significant, indirect, long-term, and negative effects arising from waste potentially being diverted to landfill due to diversion from the waste hierarchy.
- Significant indirect, short-term and negative effects resulting from litter or pollution issues at the development site and in adjacent areas, possibly attracting vermin in the event that waste material is not managed and stored correctly.
- Significant, indirect, long-term and negative effects through the use of non-permitted waste contractors or unauthorised facilities which could give rise to inappropriate management of waste and result in negative environmental impacts or pollution.
- Significant, indirect, short-term and negative effects arising from incorrect storage of waste in the construction site compound or adjacent, pending collection which could lead to litter or pollution.
- Significant, indirect, short-term and negative effects through the failure to correctly classify and segregate excavated material to ensure that any potentially contaminated materials are managed appropriately both on and off-site.

8.15. **Material Assets – Utilities**

Issues Raised

8.15.1. Concerns were raised by Uisce Éireann in terms of an existing watermain and wastewater pipe within and/or adjacent to the development site, noting that build over of assets is not permitted and the separation distances as per Uisce Éireann's Standards Codes and Practices must be achieved. These concerns were shared by the Planning Authority who considered that it could not be confirmed that no significant adverse effects would be likely to arise with respect to utilities such as water supply and drainage.

Context

8.15.2. Chapter 14 of the EIAR addresses the potential impacts on a range of material assets (utilities), specifically aiming to identify potential impacts that have not been previously addressed elsewhere in the EIAR. The aim is to identify and evaluate potential significant impacts on utilities, such as damage to infrastructure or disruptions to essential services. Relevant legislation and guidance is identified and the methodology is set out, focussing on potential impacts on land use, property, access, power supply, telecommunications, surface water drainage, foul drainage, potable water and natural gas infrastructure.

8.15.3. In terms of difficulties in compiling the information, the EIAR notes that ongoing consultation with a range of service providers can be a complex process, and that finalisation of agreements may only be completed post planning permission at connection agreement stage.

Baseline

8.15.4. The existing receiving environment and key infrastructure is identified and described in relation to:

- Land Use, Property, and Access.
- Power and Electrical Supply.
- Telecommunications.
- Surface Water Infrastructure.
- Foul Drainage Infrastructure.
- Potable Water Infrastructure, and
- Natural Gas Infrastructure

8.15.5. Uisce Éireann infrastructure surrounding the site has been identified.

Predicted Impacts

Project Phase	Potential Effects
Do Nothing	In a 'Do Nothing' scenario the specific need for the proposed building would still exist for the intended occupier but would need to be built elsewhere and the site would remain as is.

Construction	Land Use, Property, and Access – Potential impacts from demolition and construction. These are considered in other technical chapters. Impacts would be ***negative, not significant and short term***. Power Supply and Electrical Supply – Excavations would be carried out in consultation with ESB Networks, connection should have no disruptions to the national grid, works shall be carried out in accordance with the relevant requirements of the respective service providers. Potential impacts would be ***negative, not significant, and short term***. Telecommunications - The use of telecom lines would not be required during the construction phase. Location of services would be confirmed prior to on-site works. Connection into the telecommunications network would be undertaken by a statutory telecommunications operator. Impacts would be ***neutral, not significant, and short term***. Surface Water Infrastructure –Potential increased surface water run-off, sediment loading, polluted waters. Potential overload of existing drainage systems, leading to localized flooding and damage to surface water networks. Impacts would be ***negative, slight, and short term***. Foul Drainage Infrastructure - Welfare facilities would be provided, foul effluent would be managed and treated off site. There would be compliance with any conditions of a temporary connection agreement with Uisce Éireann to control discharge quality and rate of flow and remove any wastewater collected on site. The potential impact would be ***negative, not significant, and short term.*** Potable Water Supply – Water demand would not be significant enough to affect existing water pressure - ***negative, imperceptible, and short term.***

	Natural Gas – No requirement for a connection therefore no potential impact.
Operation	Land Use, Property, and Access – Main issues considered in other technical chapters. Development would be consistent with the zoning. Overall impacts would be localised ***neutral, not significant, and long term***. Power Supply and Electrical Supply – Electricity would be provided via the national grid. Sustainable energy measures have been incorporated. Maintenance of power and electrical utilities infrastructure would be carried to comply with the requirements of the utility supplier. There would be a ***neutral, slight,*** *and* ***long term effect***. Telecommunications – There would be an increased demand. Connections would be made locally and in compliance with the requirements of providers. Impacts would be ***neutral, imperceptible, and long term***. Surface Water Infrastructure – The main risk would be from surface water runoff which could potentially contain elevated levels of contaminants such as hydrocarbons. The potential impacts would be ***neutral, imperceptible, and long-term***. Foul Drainage Infrastructure - Foul water would be discharged in accordance with Uisce Éireann licence requirements. Impacts would be ***neutral, imperceptible, and long-term.*** Potable Water Supply – Metering would be provided, and sustainable water measures are designed in. Based on the feasibility of connection issued by Uisce Éireann, the potential impact on potable water infrastructure for the operational phase would be ***neutral, imperceptible, and long term*** Natural Gas - No requirement for a connection therefore no potential impact.

Decommissioning	If the site is decommissioned the site would likely be developed for an alternative use in compliance with planning requirements and an EIA if required.
Cumulative	Construction – Permitted developments identified in Chapter 2 are capable of combining with the Proposed Development and resulting cumulative effects on material assets. Coordination and consultation would be undertaken, and the development would be in accordance with the requirements of statutory providers. The implementation of mitigation measures and compliance of adjacent development with providers is such that it is unlikely that there would be significant cumulative effects, and residual cumulative effects would be ***negative, not significant, and short-term***. Operation - The proposal and permitted developments would be required to liaise with providers to ensure there is sufficient capacity. National Authorities (such as Uisce Éireann and ESB) in considering future connections, take account of the environmental impacts of planned developments within the wider network. The proposal is not likely to result in prolonged utility disruption and there would be no significant effects on material assets to the wider economy or environment and cumulative effects would be ***neutral, imperceptible, and long-term***.

Mitigation Measures

8.15.6. Construction - Consultation would take place with key authorities and service providers in addition to compliance with their requirements and guidelines. Best practice measures would be adopted in addition to strict quality control. Utilities would be located prior to commencement using advanced technologies such as ground penetrating radar (GPR) and electromagnetic induction methods to accurately identify the location and depth of existing services and utilities with exclusion zones being implemented as necessary. Development would be

undertaken in line with an Outline Construction Management Plan with mitigation measures being implemented and adhered to in addition to being updated as necessary by the Project Manager, Environmental Manager, Resource Manager and Ecological Clerk of Works. Personnel would be trained in the relevant procedures and a detailed Construction Environmental Management Plan (CEMP) would be provided and implemented.

8.15.7. Operation – No specific mitigation required. A Pre-Connection Enquiry was submitted to Uisce Éireann who provided a Confirmation of Feasibility subject to upgrades (wastewater) and a potable water connection was feasible without infrastructure upgrades. The stormwater design includes SuDS measures. Water metering would be implemented in line with Uisce Éireann standards. Maintenance or upgrades would be carried out in accordance with the specifications of the relevant service providers.

Residual Impacts

8.15.8. Following implementation of mitigation and best practice measures, the construction phase residual impacts would be ***neutral, not significant, and short term*** and the operational phase residual impacts would be ***neutral, imperceptible, and short term.***

Direct and Indirect impacts Assessment

8.15.9. I have examined, analysed, and evaluated Chapter 14 of the EIAR and all of the associated documentation, submissions, and observations on file in respect of utilities. I am satisfied that the Applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on services, as a consequence of the proposed development, have been identified. I have considered the issues raised by both Uisce Éireann in terms of proximity to existing infrastructure, and the Planning Authority in terms of surface water drainage and the Applicant's response to both points submitted as part of the appeal.

8.15.10. On the matter of Uisce Éireann infrastructure, the Applicant advises that, based on their records and visual observations, the watermain in question does not traverse under the existing building or through the basement, noting that recorded location of these utilities on maps is prone to discrepancies. Given that the basement extends to the back edge of the footpath and having consideration to the existing

and proposed building line, I consider it unlikely that there would be any significant impact on the existing infrastructure. In my view this is a matter that can clearly be dealt with by condition and is in fact covered by the proposed mitigation. A detailed survey using ground penetrating radar, in consultation with Uisce Éireann, prior to development taking place, would ensure that the infrastructure was clearly identified to the satisfaction of all parties and that any potential disturbance would be avoided.

8.15.11. The Planning Authority's concerns relate to surface water, this is largely dealt with previously in Chapter 6. Having considered the matter in detail and having regard to the information submitted by the Applicant, I find that the attenuation and SuDS measures designed into the scheme and the run-off rates proposed, which would meet greenfield rates and offer suitable climate change allowance, would be sufficient to ensure there would be no significant impacts.

Direct and Indirect Impacts Conclusion

8.15.12. Having regard to my examination of environmental information in respect of material assets - utilities, in particular the EIAR provided by the Applicant, the reports of the Planning Authority's Planning Reports, the submissions of Uisce Éireann, and observations received by both the Planning Authority and the Board in the course of the application, I do not consider that there are any significant direct or indirect services effects

8.16. **Landscape and Visual Impact**

Issues Raised

8.16.1. The Planning Authority considered that the development would have an adverse impact on views and the Liffey Quays Conservation Area. The lack of short range views from the site environs was also raised as an issue. These concerns were generally shared by observers. This section should be read in conjunction with Section 7.6 of the report which considers the impacts on views and the Liffey Quays Conservation Area.

Context

8.16.2. Landscape and visual impact is considered in Volume 3 of the EIAR which is the Heritage, Townscape, Landscape and Visual Impact Assessment (HTLVIA), inclusive of verified views and photo montages. A detailed methodology is provided

in Section 2 of Volume 3. And is inclusive of all relevant international, national, regional and local legislation and guidance.

8.16.3. The methodology sets out the rating criteria and the assessment process in addition to the rationale for establishing sensitivity, magnitude of change and significance of effects. No specific difficulties were encountered in preparing Volume 3 and Section 2.91 sets out the assumptions and limitations of the study.

Baseline

8.16.4. The development site and its current context are described in detail in Section 4. In terms of townscape and landscape, four character areas are assessed:

A. River Liffey and the Quays

B. Custom House and Busáras

C. North Docklands

D. South Docklands

8.16.5. A description of their baseline environments is included at the outset of their assessments. Effects on built heritage have been considered, including Conservation Areas (Liffey Quays and Pearse Square), Architectural Conservation Areas (O'Connell Street) and 10 groups of Protected Structures as follows:

1. Church of St Laurence O'Toole
2. Inner Dock
3. Custom House Quay
4. Custom House
5. Burgh Quay
6. Trinity College
7. Former St Andrew's Church and Westland Row
8. Clare Street and Merrion Square (north and west)
9. Merrion Square South and Merrion Street Upper
10. Former Excise Store

8.16.6. Finally, a Visual Impact Assessment has been undertaken for a selection of 22 views as illustrated in Section 10 of Volume 3. I have addressed the relevant views in detail in Section 7.6 of this report. The following views have been considered:

1. Sheriff Street Upper (looking south-west)
2. Seville Place (looking south-west)
3. Sheriff Street (looking south)
4. Harbour Master Place (looking south-east)
5. La Touche Houe (looking east)
6. Custom House Quay, World Poverty Stone (looking east)
7. Talbot Memorial Bridge (looking east)
8. Custom House Quay (looking east)
9. O'Connell Bridge (looking east)
10. Ha'penny Bridge (looking east)
11. Pearse Square (looking north-west)
12. Westland Row (looking north)
13. Merrion Street West (looking north)
14. Merrion Street South (looking north)
15. Merrion Street Upper/Fitzwilliam Lane (looking north)
16. Merrion Street Upper (looking north)
17. Ely Place (looking north)
18. City Quay/Sean O'Casey Bridge (looking north-east)
19. Sir John Rodgerson's Quay (looking north)
20. Samuel Beckett Bridge (looking north-west)
21. Sir John Rodgerson's Quay/Cardiff Lane (looking north-west)
22. Sir John Rodgerson's Quay/Forbes Street (looking north-west)

<u>Predicted Impacts</u>

Project Phase	Potential Effects
Do Nothing	'Do Nothing' is not considered as an option. It is stated that the building is due to be vacant and would likely remain vacant. It is stated that there would be an adverse impact if vacant for a substantial amount of time.
Construction	Construction Phase Impacts by their very nature would be short term, temporary and usually reversible. Close distance effects are likely to be ***moderate to substantial*** in significance and ***adverse*** in nature. Medium distance effects would be ***slight to moderate in significance and adverse*** in nature. Long distance effects would be ***slight to very slight in significance and adverse*** in nature. Effects on townscape receptors Character Areas A and C would be moderate to substantial in significance and adverse in nature whilst Character Areas B and D would be ***imperceptible***.
Operation	<u>Townscape and Landscape Receptors</u> Character Area A: The susceptibility to change is rated medium as is the magnitude of change. Likely effects are stated as being ***moderate*** and ***positive,*** as would be cumulative effects. Character Area B: Sensitivity to change is rated high and the magnitude of change is rated nil. The likely effects are stated as being ***imperceptible*** and there would be no cumulative effects. Character Area C: Sensitivity to change varies from medium to high and the magnitude of change is rated high. The likely effects are stated as being ***substantial and positive***, as would be the cumulative effects.

	Character Area D: Sensitivity to change varies from medium to high and the magnitude of change is rated nil. The likely effects are stated as being ***imperceptible*** and there would be no cumulative effects. Built Heritage Conservation Areas – The development is considered to enhance the character and significance of the Conservation Areas, and it is stated this would be the case cumulatively as well. Architectural Conservation Areas – No effect either by the proposed development or cumulatively. Protected Structures – All groups have been assessed, and the operational development is not considered to have any effects of significance. In terms of cumulative effects, there would be no effects of significance for Group s3-6 and no cumulative effects for Groups 1-2 and 7-10. Visual Impact In terms of visual impact for the 22 views, the sensitivity to change is rated as low, medium, or low to medium for all views. Magnitude of change is rated as low, medium, or low to medium for all views with the exception of views 18, 19 and 20 which are rated high. In terms of effects and cumulative effects, no significant adverse effects were identified. Effects were categorised as largely slight or moderately positive with views 18 and 19 being substantially positive.
Cumulative	See above.

Mitigation Measures

8.16.7. Construction phase mitigation includes adherence to a Construction Management Plan and best practice measures, use of hoarding, high level screening and minimal light pollution. Operational mitigation is embedded in the design.

Residual impacts

8.16.8. Following mitigation, the construction effects are considered to have a ***slight to moderate, temporary to short-term, adverse*** effect on the landscape. For the operational development these are set out in the table above.

Direct and Indirect Impacts Assessment

8.16.9. I have examined, analysed and evaluated Volume 3 of the EIAR, all of the associated documentation and submissions on file in respect of landscape and visual impact. I have inspected the application site, the surrounding area, each of the viewpoints referred to in the HTLVIA and the associated photomontages. I have completed a review of the Visual impact Assessment at Section 7.7 of the report. In my opinion, the Planning Authority raise reasonable concerns. I agree that further short-range views should have been included. If the Board is minded to grant permission, then these could be requested by Further Information. However, I also have concerns with a number of the views presented in the Visual Impact Assessment as set out in Section 7.7 and I disagree with the conclusions of the EIAR with regards to the level of effect, which in several of the views, notably those accounted for in Section 7.7, I would regard as being moderate to significant and, particularly in terms of the impacts on the of the Conservation Area, I would disagree with the conclusion that these are positive.

8.16.10. Contrary to the conclusions of the EIAR, I consider that significant visual effects would arise and seriously detract from the amenity of the views identified in Section 7.7 in addition to the Liffey Quays which is a Conservation Area.

Direct and Indirect Impacts Conclusion

8.16.11. Having regard to the foregoing, I consider that significant direct effects will arise in respect of visual amenity of views along the river corridor and the Liffey Quays which is a Conservation Area. The policy implications of this conclusion are considered in Section 7.7 of this report.

8.17. Interactions

8.17.1. Chapter 15 of the EIAR provides an overview of the potential interactions and relationships between the environmental factors discussed in the preceding technical chapters for both the construction and the operational phases. Table 15.1 provides a table of interactions between the different aspects of the development, and I note that there would be no significant interactions/effects, and that the majority of interactions would be neutral.

8.17.2. Having regard to the proposed mitigation measures (both embedded design and specific additional mitigation) as well as best practice measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and that no further mitigation measures additional to those provided for in the EIAR, or included as planning conditions of the permission, would arise and I am further satisfied that the various interactions were accurately described in the EIAR.

8.18. Cumulative Impacts

8.18.1. Each technical chapter of the EIAR contains a cumulative assessment which I have considered in full. Subject to the implementation of the mitigation measures and best practice measures set out in the preceding chapters, no significant negative cumulative impacts are likely to arise. As this is a construction project on previously developed urban, serviced and zoned land, having regard to the mitigation measures proposed, I agree with these conclusions.

8.19. Reasoned Conclusion on Significant Effects

8.19.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the Applicant, and to the submissions from the Planning Authority, prescribed bodies and observers during the course of the application, it is considered that the main potential direct, indirect, secondary, and cumulative effects of the proposed development on the environment are as follows:

- Significant direct negative effects arising for population and human health during the construction phase, largely as a result of noise impacts, which would be mitigated by a suite of appropriate construction phase management measures.

- Significant, direct, negative effects on the hydrological network as a result of potentially contaminated surface water during the construction phase, which would be mitigated by appropriate construction phase measures.
- Direct negative noise effects arising for residential noise sensitive locations at Clarion Quay along the northern and eastern site boundaries during the construction phase, which would be mitigated as much as practicable by a suite of appropriate construction phase management measures, adherence to best practice measures, and planning conditions.
- Significant, indirect, shot-term effects arising from construction traffic potentially leading to oversaturation of nearby junctions, obstructions on surrounding streets, and temporary degradation of street surfaces due to dirt/debris.
- Significant, indirect, long-term, and negative effects arising from waste potentially being diverted to landfill due to diversion from the waste hierarchy.
- Significant indirect, short-term and negative effects resulting from litter or pollution issues at the development site and in adjacent areas, possibly attracting vermin in the event that waste material is not managed and stored correctly.
- Significant, indirect, long-term and negative effects through the use of non-permitted waste contractors or unauthorised facilities which could give rise to inappropriate management of waste and result in negative environmental impacts or pollution.
- Significant, indirect, short-term and negative effects arising from incorrect storage of waste in the construction site compound or adjacent, pending collection which could lead to litter or pollution.
- Significant, indirect, short-term and negative effects through the failure to correctly classify and segregate excavated material to ensure that any potentially contaminated materials are managed appropriately both on and off-site.

8.19.2. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditioned in the event of a grant of planning

permission for the project, in my opinion the environmental impacts identified above would not be significant and would not justify refusing permission for the proposed development.

8.19.3. With regards to visual impact and having regard to my assessment undertaken in Section 7.7 of this report, I consider that the development would have significant residual visual impacts on the visual amenity of the Liffey Quays and of views along the river corridor.

9.0 Appropriate Assessment Screening

9.1. Having regard to the information contained within the Applicant's Screening Assessment, my site inspection, a review of the conservation objectives and supporting documents, and adopting a precautionary principle, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the European sites of Dublin Bay.

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the Applicant, I conclude that the proposed development could result in significant effects on the European sites of Dublin Bay. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

10.0 Appropriate Assessment Stage 2

10.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on:

- South Dublin Bay SAC (Site Code 0000210).
- North Dublin Bay SAC (Site Code 0000206).
- South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024).
- North Bull Island SPA (Site Code 0004006).
- North-West Irish Sea cSPA (Site Code 004236).

10.2. It was determined that the development would have potential for significant effects in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

10.3. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the European sites set out above can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including construction management measures and appropriate monitoring and supervision by and Ecological Clerk of Works.
- Application of planning conditions to ensure adherence to these measures.
- The proposed development would not affect the attainment of conservation objectives for the European sites of Dublin Bay or prevent or delay the restoration of favourable conservation conditions.

11.0 **Recommendation**

11.1. I recommend that the Board refuse planning permission, for the reasons set out below.

12.0 **Reasons and Considerations**

1. Having regard to the prominent and sensitive location of the subject site which fronts onto the River Liffey and is within the Liffey Quays Conservation Area, in close proximity to neighbouring residential properties, and on a site that is not designated as being suitable for a landmark/taller building, it is considered that the proposed development, by virtue of its excessive height, bulk, massing and form, would constitute an overly dominant and isolated tall building that would be at odds with the surrounding context and would be injurious to the visual amenity of the Liffey Quays and key views along the river corridor. The proposal would result in an overbearing form and scale of

development in close proximity to existing residential properties, resulting in significant adverse impacts to residential amenity by reason of an unacceptable and unjustified loss of daylight/sunlight and overshadowing of a principal shared amenity space which would lead to property devaluation. The proposed development fails to meet the relevant performance criteria set out in Tables 3 and 4 of Appendix 3 in addition to not meeting the criteria for exceptional circumstances for enhanced height, density and scale. As such, the proposed development would contravene Appendix 3 and Policies BHA9, SC17, and SC18 of the CDP, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the age, form, and condition of the existing office building and the results of the Whole Life Carbon assessment, the Board consider that the wholescale demolition of the existing building would be both premature and entirely unjustified, and would set an unwelcome precedent for demolition on similar sites in Dublin. The proposal would, therefore, be contrary to Policy CA6 and Section 15.7.1 of the Dublin City Development Plan 2022-2028 which seeks to promote and support the retrofitting and reuse of existing buildings and would be contrary to the proper planning and sustainable development 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

19th June 2025

13.0 **Appendix 1: AA Screening Determination**

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Office led mixed use urban development. First Party v. refusal and Third Party appeal in support of PA decision.
Brief description of development site characteristics and potential impact mechanisms	A full description of the development site is set out in Section 1 of the Inspector Report. The site is majority occupied by a six storey office development fronting onto North Wall Quay and adjacent to the River Liffey. The site is urban in nature, being part of the Dublin Docklands and fully serviced. The proposed development is described in detail in the Inspector Report. In summary, the proposal is for an office led mixed use development in buildings ranging from 9 to 17 storeys and incorporating a lower ground floor and two levels of basement. Extensive demolition and site excavation works would be required. The River Liffey is approximately 25 metres to the south.
Screening report	Appropriate Assessment Screening and Natura Impact Statement, Altemar Marine and Environmental Consultancy (February 2024).
Natura Impact Statement	Appropriate Assessment Screening and Natura Impact Statement, Altemar Marine and Environmental Consultancy (February 2024).
Relevant submissions	None.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model Five European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the Applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site having been considered (Tables 1 and 2 of the Applicant's Screening Report). There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.	

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
South Dublin Bay SAC (Site Code 0000210).	Mudflats and sandflats not covered by seawater at low tide (1140). Annual vegetation of drift lines (1210). Salicornia and other annuals colonising mud and sand (1310). Embryonic shifting dunes (2110). Link to Conservation Objectives: ConservationObjectives.rdl	2.5km	Yes, proximity to River Liffey and indirect hydrological connection.	Yes.
North Dublin Bay SAC (Site Code 0000206).	Mudflats and sandflats not covered by seawater at low tide (1140). Annual vegetation of drift lines (1210). Salicornia and other annuals colonising mud and sand (1310). Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (1330). Mediterranean salt meadows (Juncetalia maritimi) (1410). Embryonic shifting dunes (2110). Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (2120).	4.45km	Yes, proximity to River Liffey and indirect hydrological connection.	Yes.

	Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130). Humid dune slacks (2190). Petalophyllum ralfsii (Petalwort) (1395). Link to Conservation objectives: ConservationObjectives.rdl			
South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024).	Light-bellied Brent Goose (Branta bernicla hrota) (A046). Oystercatcher (Haematopus ostralegus) (A130). Ringed Plover (Charadrius hiaticula) (A137). Grey Plover (Pluvialis squatarola) (A141). Knot (Calidris canutus) (A143). Sanderling (Calidris alba) (A144). Dunlin (Calidris alpina) (A149). Bar-tailed Godwit (Limosa lapponica) (A157). Redshank (Tringa totanus) (A162). Black-headed Gull (Chroicocephalus ridibundus) (A179). Roseate Tern (Sterna dougallii) (A192).	1.5km	Yes, proximity to River Liffey and indirect hydrological connection.	Yes.

	Common Tern (Sterna hirundo) (A193). Arctic Tern (Sterna paradisaea) (A194). Wetland and Waterbirds (A999). Link to Conservation Objectives: ConservationObjectives.rdl			
North Bull Island SPA (Site Code 0004006).	Light-bellied Brent Goose (Branta bernicla hrota) (A046). Shelduck (Tadorna tadorna) (A048). Teal (Anas crecca) (A052). Pintail (Anas acuta) (A054). Shoveler (Anas clypeata) (A056). Oystercatcher (Haematopus ostralegus) (A130). Golden Plover (Pluvialis apricaria) (A140). Grey Plover (Pluvialis squatarola) (A141). Knot (Calidris canutus) (A143). Sanderling (Calidris alba) (A144). Dunlin (Calidris alpina) (A149). Black-tailed Godwit (Limosa limosa) (A156). Bar-tailed Godwit (Limosa lapponica) (A157).	4.4km	Yes, proximity to River Liffey and indirect hydrological connection.	Yes.

	Curlew (Numenius arquata) (A160). Redshank (Tringa totanus) (A162). Turnstone (Arenaria interpres) (A169). Black-headed Gull (Chroicocephalus ridibundus) (A179). Wetland and Waterbirds (A999). Link to Conservation objectives: North Bull Island SPA | National Parks & Wildlife Service			
North-West Irish Sea SPA (Site Code 004236).	Red-throated Diver (Gavia stellata) (A001). Great Northern Diver (Gavia immer) (A003). Fulmar (Fulmarus glacialis) (A009). Manx Shearwater (Puffinus puffinus) (A013). Cormorant (Phalacrocorax carbo) (A017). Shag (Phalacrocorax aristotelis) (A018). Common Scoter (Melanitta nigra) (A065). Little Gull (Larus minutus) (A177). Black-headed Gull (Chroicocephalus ridibundus) (A179). Common Gull (Larus canus) (A182).	6.3km	Yes, proximity to River Liffey and indirect hydrological connection.	Yes.

	Lesser Black-backed Gull (Larus fuscus) (A183). Herring Gull (Larus argentatus) (A184). Great Black-backed Gull (Larus marinus) (A187). Kittiwake (Rissa tridactyla) (A188). Roseate Tern (Sterna dougallii) (A192). Common Tern (Sterna hirundo) (A193). Arctic Tern (Sterna paradisaea) (A194). Little Tern (Sterna albifrons) (A195). Guillemot (Uria aalge) (A199). Razorbill (Alca torda) (A200). Puffin (Fratercula arctica) (A204). Link to Conservation objectives: CO004236.pdf			

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

The proposal would not result in any direct effects on any of the identified European sites however there is a connection vie the surface water network and the River Liffey which discharges to Dublin Bay.

The proposed development site is brownfield and would require extensive demolition and site excavation works. There is therefore potential for dust and surface water to enter the River Liffey during the construction period, Additionally, surface water management would involve the

pumping of surface water and ground water to public sewers. In the absence of mitigation, there is potential for dust and surface water runoff to enter the River Liffey and therefore potential for downstream impacts to the European sites of Dublin Bay. Foul water from the completed development would be directed to the existing sewer network and onward to Ringsend WWTP for treatment. In the absence of mitigation, no significant effects on European sites are anticipated via foul water drainage.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: South Dublin Bay SAC (Site Code 0000210). QI list as above.	Potential for dust and surface water runoff to enter the River Liffey with impacts on water quality through dust, silt and contaminants.	Potential impacts on water quality as a result of dust, silt, contaminants and hydrocarbons entering the water.
	Likelihood of significant effects from proposed development (alone): Yes.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**
Site 2: North Dublin Bay SAC (Site Code 0000206). QI list as above.	As for Site 1.	Potential decline in water quality as a result of dust, silt, contaminants and hydrocarbons entering the water.
	Likelihood of significant effects from proposed development (alone): Yes.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**
Site 3: South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024). QI list as above.	As for Site 1.	Potential impacts on water quality as a result of dust, silt, contaminants and hydrocarbons entering the water. This could impact on qualifying interest species dependent on water quality and potential impacts on prey availability.

	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**
Site 4: North Bull Island SPA (Site Code 0004006). QI list as above.	As for Site 1.	Potential impacts on water quality as a result of dust, silt, contaminants and hydrocarbons entering the water. This could impact on qualifying interest species dependent on water quality and potential impacts on prey availability.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**
Site 5: North-West Irish Sea SPA (Site Code 004236). QI list as above.	As for Site 1.	Potential impacts on water quality as a result of dust, silt, contaminants and hydrocarbons entering the water. This could impact on qualifying interest species dependent on water quality and potential impacts on prey availability.
	Likelihood of significant effects from proposed development (alone): Yes.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Having regard to the information contained within the Applicant's Screening Assessment, my site inspection, a review of the conservation objectives and supporting documents, and adopting a precautionary principle, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the European sites of Dublin Bay as set out above.		

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the Applicant, I conclude that the proposed development could result in significant effects on the European sites of Dublin Bay. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

14.0 **Appendix 2: Appropriate Assessment Stage 2.**

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed mixed use office development in view of the relevant conservation objectives of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North-west Irish Sea cSPA based on scientific information provided by the Applicant [and considering expert opinion set out in observations on nature conservation]. The information relied upon includes the following: • Natura Impact Statement prepared by Altemar • Outline Construction Management Plan • Surface Water Management Plan • Engineering Services Report • Site Specific Flood Risk Assessment I am that the information provided is adequate to allow for Appropriate Assessment. I satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations None.
South Dublin Bay SAC (Site Code 0000210). **Summary of Key issues that could give rise to adverse effects (from screening stage):** **[examples]** **(i) Water quality degradation (construction phase)**

See Tables 4, 6 and 7 of the NIS			
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** **Table 7 of NIS**
Mudflats and sandflats not covered by seawater at low tide (1140). Annual vegetation of drift lines (1210). Salicornia and other annuals colonising mud and sand (1310). Embryonic shifting dunes (2110). Link to Conservation Objectives: ConservationObjectives.rdl	Maintain favourable conservation condition	Water quality degradation through dust, silt, sediment, contaminants/hydrocarbons.	Application of industry standard controls and best practice measures. Pollution control measures. Air quality and dust monitoring OCMP, updated CEMP, supervision by Ecologist (ECOW), measures set out in Surface Water Management Plan and Engineering Services Report.
North Dublin Bay SAC (Site Code 000206). **Summary of Key issues that could give rise to adverse effects (from screening stage):** **[examples]** **(i) Water quality degradation (construction phase)** **See Tables 4, 6 and 7 of the NIS**			

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary) Table 7 of NIS	
Mudflats and sandflats not covered by seawater at low tide (1140). Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (1330). Mediterranean salt meadows (Juncetalia maritimi) (1410). Petalophyllum ralfsii (Petalwort) (1395). Annual vegetation of drift lines (1210). Salicornia and other annuals colonising mud and sand (1310). Embryonic shifting dunes (2110). Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (2120). Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130). Humid dune slacks (2190). Petalophyllum ralfsii (Petalwort) (1395).	Maintain favourable conservation condition. To restore favourable conservation condition	Water quality degradation through dust, silt, sediment, contaminants/hydrocarbons.	Application of industry standard controls and best practice measures. Pollution control measures. Air quality and dust monitoring OCMP, updated CEMP, supervision by Ecologist (ECOW), measures set out in Surface Water Management Plan and Engineering Services Report.	

South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024). **Summary of Key issues that could give rise to adverse effects (from screening stage):** **[examples]** **(i) Water quality degradation (construction phase)** **See Tables 4, 6 and 7 of the NIS**				
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** **Table 7 of NIS**	
Light-bellied Brent Goose (Branta bernicla hrota) (A046). Oystercatcher (Haematopus ostralegus) (A130). Ringed Plover (Charadrius hiaticula) (A137). Knot (Calidris canutus) (A143). Sanderling (Calidris alba) (A144). Dunlin (Calidris alpina) (A149). Bar-tailed Godwit (Limosa lapponica) (A157). Redshank (Tringa totanus) (A162). Black-headed Gull (Chroicocephalus ridibundus) (A179). Roseate Tern (Sterna dougallii) (A192).	Maintain the favourable conservation condition.	Water quality degradation through dust, silt, sediment, contaminants/hydrocarbons. Potential impacts on prey resources as a result of water quality degradation.	Application of industry standard controls and best practice measures. Pollution control measures. Air quality and dust monitoring OCMP, updated CEMP, supervision by Ecologist (ECOW), measures set out in Surface Water Management Plan and Engineering Services Report.	

Common Tern (Sterna hirundo) (A193). Arctic Tern (Sterna paradisaea) (A194). Wetland and Waterbirds (A999). Grey Plover (Pluvialis squatarola) (A141).	Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA.			
North Bull Island SPA (Site Code 0004006). **Summary of Key issues that could give rise to adverse effects (from screening stage):** **[examples]** **(i) Water quality degradation (construction phase)** **See Tables 4, 6 and 7 of the NIS**				
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** **Table 7 of NIS**	
Light-bellied Brent Goose (Branta bernicla hrota) (A046). Shelduck (Tadorna tadorna) (A048). Teal (Anas crecca) (A052). Pintail (Anas acuta) (A054).	Maintain the favourable conservation condition.	Water quality degradation through dust, silt, sediment, contaminants/hydrocarbons. Potential impacts on prey resources as a result of water quality degradation.	Application of industry standard controls and best practice measures. Pollution control measures.	

Shoveler (Anas clypeata) (A056). Oystercatcher (Haematopus ostralegus) (A130). Golden Plover (Pluvialis apricaria) (A140). Grey Plover (Pluvialis squatarola) (A141). Knot (Calidris canutus) (A143). Sanderling (Calidris alba) (A144). Dunlin (Calidris alpina) (A149). Black-tailed Godwit (Limosa limosa) (A156). Bar-tailed Godwit (Limosa lapponica) (A157). Curlew (Numenius arquata) (A160). Redshank (Tringa totanus) (A162). Turnstone (Arenaria interpres) (A169). Black-headed Gull (Chroicocephalus ridibundus) (A179). Wetland and Waterbirds (A999).			Air quality and dust monitoring OCMP, updated CEMP, supervision by Ecologist (ECOW), measures set out in Surface Water Management Plan and Engineering Services Report.	
North West Irish Sea cSPA (Site Code 004236). **Summary of Key issues that could give rise to adverse effects (from screening stage):**				

[examples] **(i) Water quality degradation (construction phase)** **See Tables 4, 6 and 7 of the NIS**				
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)** **Table 7 of NIS**	
Red-throated Diver (Gavia stellata) (A001). Great Northern Diver (Gavia immer) (A003). Manx Shearwater (Puffinus puffinus) (A013). Common Scoter (Melanitta nigra) (A065). Black-headed Gull (Chroicocephalus ridibundus) (A179). Common Gull (Larus canus) (A182). Lesser Black-backed Gull (Larus fuscus) (A183). Great Black-backed Gull (Larus marinus) (A187). Roseate Tern (Sterna dougallii) (A192). Common Tern (Sterna hirundo) (A193). Arctic Tern (Sterna paradisaea) (A194). Little Tern (Sterna albifrons) (A195).	Maintain the favourable conservation condition.	Water quality degradation through dust, silt, sediment, contaminants/hydrocarbons. Potential impacts on prey resources as a result of water quality degradation.	Application of industry standard controls and best practice measures. Pollution control measures. Air quality and dust monitoring OCMP, updated CEMP, supervision by Ecologist (ECOW), measures set out in Surface Water Management Plan and Engineering Services Report.	

Guillemot (Uria aalge) (A199). Razorbill (Alca torda) (A200). Fulmar (Fulmarus glacialis) (A009). Cormorant (Phalacrocorax carbo) (A017). Shag (Phalacrocorax aristotelis) (A018). Little Gull (Larus minutus) (A177). Herring Gull (Larus argentatus) (A184). Kittiwake (Rissa tridactyla) (A188). Puffin (Fratercula arctica) (A204).	To restore favourable conservation condition			

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

The main potential impact of the development relates to water quality during the construction phase. Water quality degradation is the main risk from unmanaged site works where silt/sediment laden surface water could reach the River Liffey. This could also include other contaminants such as hydrocarbons and other chemicals associated with the construction period. There is also a risk of dust from the site being blown into the river. There could therefore be impacts on water quality downstream. Water quality degradation could impact on habitats and prey resources.

Mitigation measures and conditions

A full suite of mitigation is included in the technical chapters of the EIAR, notably Chapter 5 – Land, Soils, Geology and Hydrogeology, Chapter 6 – Biodiversity, Chapter 7 – Hydrology, and Chapter 8 – Air Quality. The core aim of the proposed mitigation measures is preventing ingress of pollutants and silt/sediment into surface water and the River Liffey.

This is to be achieved by measures designed into the scheme (avoidance), the appointment of an Ecological Clerk of Works, and application of specific mitigation measures and monitoring effectiveness of measures principally contained within the Outline Construction Management Plan (which would be updated by condition to a CEMP). Section 4 of the OCMP covers such issues as:

Stormwater and Wastewater Management

- silt control on the roads
- discharge water from dewatering systems
- diversion of clean water
- treatment and disposal of wastewater from general clean-up of tools and equipment
- spills control
- silt trapping and oil interception (to be considered where surface water run-off may enter watercourse)
- refuelling of machinery off-site or at a designated bunded refuelling area

Air Quality and Dust Monitoring

- Water based dust suppression
- Excavation and construction techniques with reduced dust generation potential shall be preferred
- Tools and machinery generating dust (e.g. drills) shall be fitted with dust collection systems where possible
- Any internal site road that has the potential to give rise to fugitive dust would be regularly watered during dry and/or windy conditions
- Unbound internal site roads would be restricted to essential site traffic
- Vehicles delivering or removing material with dust potential (soil, aggregates, etc.) would be enclosed or covered with tarpaulin at all times, to restrict the escape of dust
- Material handling systems and site stockpiling of materials would be designed and laid out to minimise exposure to wind. Water misting or sprays would be used as required if particularly dusty activities are necessary during dry or windy periods

Harmful Materials

Measures are put forward to deal with contaminated soils, fuels/oils, hazardous substances.

Protection of Watercourses

Measures would be employed to protect surface water in the receiving environment during demolition and construction, and to prevent its contamination by direct run-off or by infiltration from the development site. These have been developed in accordance with best practice guidance from Inland Fisheries Ireland. This includes Emergency Response Plans, Discharge Licences, over ground oil/diesel storage, refuelling, concrete works, soil movement, groundwater management, disposal of wastewater off-site, road cleaning, maintenance of gullies.

The measures set out above are not exhaustive but are focused on the main risk from the development. Further measures are proposed. I am satisfied that the measures which are aimed at interrupting the source-pathway-receptor model are targeted at the key threats

and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The Applicant has demonstrated satisfactorily that no significant residual effects would remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on:

- South Dublin Bay SAC (Site Code 0000210).
- North Dublin Bay SAC (Site Code 0000206).
- South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024).
- North Bull Island SPA (Site Code 0004006).
- North-West Irish Sea cSPA (Site Code 004236).

It was determined that the development would have potential for significant effects in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the European sites set out above can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including construction management measures and appropriate monitoring and supervision by and Ecological Clerk of Works.
- Application of planning conditions to ensure adherence to these measures.
- The proposed development would not affect the attainment of conservation objectives for the European sites of Dublin Bay or prevent or delay the restoration of favourable conservation conditions.