

File With _____

SECTION 131 FORM

Appeal NO: ABP 319719-24

Defer Re O/H

Having considered the contents of the submission dated/received 12-06-24.
from1st party. I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): no new material planning issuesE.O.: Lia ClarkeDate: 03-07-24.

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

+ appendix 1, 2 + 3
in pouch

CORRESPONDENCE FORM

File With _____

Appeal No: ABP 319719-24

M _____

Please treat correspondence received on 12/6/24 *Hand* as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>20</u> 3. Keep copy of Board's Letter <input type="checkbox"/>	1. RETURN TO SENDER with BP _____ 2. Keep Envelope: <input type="checkbox"/> 3. Keep Copy of Board's letter <input type="checkbox"/>
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Amendments/Comments
<u>applicant's Response to appeal</u>

4. <input checked="" type="checkbox"/> Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input type="checkbox"/>
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EO: <u>Risa</u>	Plans Date Stamped <input type="checkbox"/>
Date: <u>14/6/24</u>	Date Stamped Filled in <input type="checkbox"/>
	AA: <u>[Signature]</u>
	Date: <u>14/6</u>

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
12 JUN 2024	
Fee: €	Type: _____
Time: 14:59	By: Hand

Date: 12th June 2024
Our Ref: BC 23013

Dear Sir / Madam,

RE: RESPONSE TO A THIRD-PARTY APPEAL IN RESPECT OF A PROPOSED MIXED-USE DEVELOPMENT INCORPORATING OFFICE, ARTS / CULTURAL / COMMUNITY USE AND RETAIL / CAFÉ / RESTAURANT AT 1 NORTH WALL QUAY, DUBLIN 1, D01 T8Y1.

DUBLIN CITY COUNCIL REG. REF.: 3274/24

AN BORD PLEANÁLA REF.: ABP-319719-24

1.0 INTRODUCTION

We refer to your letter dated the 16th May 2024, attached as Appendix 1 of this correspondence, inviting a response to a third-party appeal lodged by the Clarion Quay Management Company CLG, The Community Office, 1 Block 3, Clarion Quay Apartments, IFSC, Dublin 1.

On behalf of the applicant, NWQ Devco Limited, Cooney Carey Consulting Limited, Units 15/16 The Courtyard, Carmanhall Road, Sandyford, Dublin 18, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, hereby submit a response to the third-party appeal lodged in respect of the notification of decision of Dublin City Council and Manager's Order dated the 16th April 2024.

In addition to this Response to 3rd Party Appeal, a 1st Party Appeal was lodged by the applicant on the 13th May 2024 in respect of the decision by Dublin City Council to refuse permission for the proposed development. Many of the issues raised in the 3rd Party Appeal have been addressed in the already submitted 1st Party Appeal. Both this Response to 3rd Party Appeal and the 1st Party Appeal documents should be read in conjunction with each other.

The principal grounds of the appeal relate to the following headings:

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan | Luke Wymer
Senior Associate Directors: Meadhbh Nolan | Kate Kerrigan | Brian Coughlan | Ian Livingstone
Associate Director: Tiarna Devlin

John Spain Associates Ltd. trading as John Spain Associates.
VAT No. IE 6416306U

- Sunlight / Daylight Impacts
 - Assessment of Surrounding Apartment Blocks and Amenity Space
 - Analysis of Affected Windows Contrary to BRE Guidelines
 - Sunlight/Daylight Impacts on Landscaped Park
- Basement Flood Risk Assessment
- Traffic Impacts / Servicing
 - Access to CQE Basements
 - Traffic Congestion on Clarion Quay and Alderman Way
 - Access to Bike Lift
 - Insufficient Servicing and Delivery Access
- Insufficient Information on Architectural Drawings
- Additional Concerns

As part of this appeal response, the following documentation is submitted:

- Appendix 1: Notification Letter of 3rd Party Appeal from ABP
- Appendix 2: Additional Response Submission prepared by CS Consulting
- Appendix 3: Response to Points Raised in the Third-Party Appeal by CQMC prepared by BPC Engineers

A description of the site location & context and proposed development are set out in the application and 1st party appeal documents and are not repeated in this submission.

2.0 RESPONSE TO GROUNDS OF APPEAL

The grounds raised in the third party appeal are primarily discussed under the following headings:

- Sunlight / Daylight Impacts
 - Assessment of Surrounding Apartment Blocks and Amenity Space
 - Analysis of Affected Windows Contrary to BRE Guidelines
 - Sunlight/Daylight Impacts on Landscaped Park
 - Appendix A of 3rd Party Appeal
- Basement Flood Risk Assessment
- Traffic Impacts / Servicing
 - Access to CQE Basements
 - Traffic Congestion on Clarion Quay and Alderman Way
 - Access to Bike Lift
 - Insufficient Servicing and Delivery Access
- Insufficient Information on Architectural Drawings
- Additional Concerns

2.1 SUNLIGHT / DAYLIGHT IMPACTS

2.1.1 ASSESSMENT OF SURROUNDING APARTMENT BLOCKS AND AMENITY SPACE

The appellant states the following:

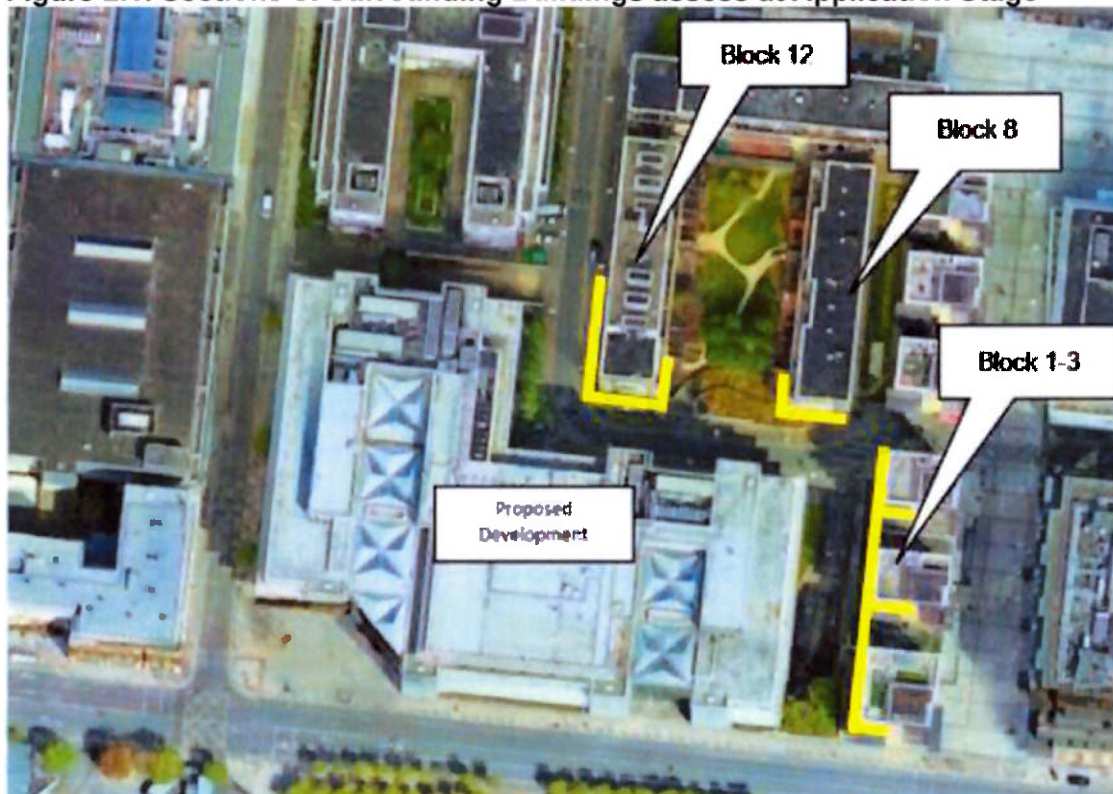
"The proposed redevelopment of the CitiGroup building would effectively negate all these aspects of this award-winning housing development. The Sunlight and Daylight Report submitted in support of the application contains minimal analyses of the effects on the CQE which the Planning Authority clearly states were deficient. The Dublin city planners had requested at the Pre-planning meeting that a full study was undertaken due to their concerns about the harm that the proposed development would do to the residents and the amenity of CQ Estate due to its height and massing. This constituted overbearing, overshadowing and the loss of light inter ilia."

This concern was similarly raised by Dublin City Council in their decision to refuse permission for the proposed development. The DCC Planner's Report stated the following:

"Further, the 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 the amenity area which are likely to be affected by the proposed development. The Applicant has not provided a comprehensive analysis as was requested at the pre application consultation meeting. All windows fronting the amenity space including balconies which will be affected by the proposed development should have been assessed. This concern has also been raised by residents of the Clarion Quay apartments who believe they will be severely negatively affected in terms of loss of daylight, sunlight and overshadowing by the proposed development."

A Daylight, Sunlight and Overshadowing Assessment was prepared by BPC Engineers and submitted at application stage. The report assessed the southern apartments in Blocks 8 & 12 and the western facing apartment in Blocks 1-3 as illustrated below:

Figure 2.1: Sections of Surrounding Buildings assess at Application Stage



Source: BPC Engineers – Daylight, Sunlight and Overshadowing Assessment

The assessment concluded the following at application stage:

"This report was complete to assess the sunlight daylight performance from a planning perspective of the proposed commercial office at 1NWQ.

The results show that the proposed development effect has predominantly being limited to a small number of bedrooms which will have a minor adverse impact with respect to access to skylight and access to sunlight.

The effect of the proposed development has been limited to bedrooms of four apartments within Block 12 and Block 2 which will have a noticeable reduction in daylight.

However, given the current daylight levels in the apartments affected are currently low one could assume artificial lighting would likely to be predominantly used which will continue to be the case after the proposed development."

An additional assessment was prepared by BPC Engineers in response to the assessment of the application by the City Council and submissions on the application and was submitted as Appendix 7 of the 1st party appeal document. The document assessed windows fronting the amenity space including balconies and states the following in relation to daylight:

"In interpreting the results below it is important to be aware of section 2.2.13 of the BRE guide which states" Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight."

When we take this into account the effect on the existing neighbouring buildings is limited to a handful of bedroom windows. Overall, we believe this confirms the proposed building has been designed with due consideration for daylight to existing neighbouring dwellings and meets many of the recommendations as set out in the BRE Guide – BR 209 "Site Layout Planning for Daylight and Sunlight, A guide to good practice (2022)."

In conclusion the report states:

"The results show that the proposed development effect has predominantly being limited to a small number of bedrooms which will have a minor adverse impact with respect to access to skylight and access to sunlight.

The effect of the proposed development has been limited to bedrooms of four apartments within Block 12 and 2 apartments within Block 2 which will have a noticeable reduction in daylight.

However, given the current daylight levels in the apartments affected are currently low one could assume artificial lighting would likely to be predominantly used which will continue to be the case after the proposed development.

The existing neighbouring amenity space tested confirms that 50% of the area should receive at least two hours of sunlight on 21 March. Therefore, the existing neighbouring amenity space achieves the BRE's recommendation for sunlight and should appear adequately sunlit throughout the year.

Overall, the development has been designed with due consideration for sunlight and daylight. BPC Engineers believe the proposed development performs at an exemplar level for a scheme of this scale and meets many of the recommendations as set out in the BRE Guide – BR 209 "Site Layout Planning for Daylight and Sunlight, A guide to good practice (2022)."

Please refer to this document submitted as Appendix 7 of the 1st party appeal for further details.

2.1.2 ANALYSIS OF AFFECTED WINDOWS CONTRARY TO BRE GUIDELINES

The appellant states the following:

"In their analysis of the loss of daylight to the windows they have identified, they make their case based on the assumption that many of the windows affected most detrimentally already have low levels of light and would use artificial light in any case. This is contrary to the BRE 209 3rd ed. Which states that sustainability is a factor that should inform all analysis of Sunlighting and Daylighting. 'Access to skylight and daylight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements.; P7, Introduction."

A response to the 3rd Party Appeal has been prepared by BPC Engineers and is submitted as Appendix 3 of this Appeal Response. The document states the following in response to the above:

"The analysis and assessments in daylight, sunlight and overshadowing report have been carried in line with the recommendations of BRE's "Site Layout Planning for daylight and sunlight, a Guide to good practice" (PJ Littlefair), 2022 and BS EN 17037.

The analysis has been completed in line with the recommendations of Appendix 16 of Dublin City Councils Development Plan 2022-2028. The appeal raised by CQMC includes methodologies to be followed for proposed residential developments. The proposed development at 1 North Wall Quay is a commercial development and therefore these have no relevance for this application. In terms of the impact of existing neighbouring residential properties we did follow the methodologies as outlined in Appendix 16 of Dublin City Councils Development Plan 2022-2028, the BRE guide and BS EN 17037."

2.1.3 SUNLIGHT / DAYLIGHT IMPACTS ON LANDSCAPED PARK

The appellant states the following:

"No sunlight or daylight modelling has been presented regarding the amenity of the park. Based on the orientation of the proposed development, its massing and height as well as the existing buildings, there may be considerable overshadowing of the park throughout the day which would affect its visual attractiveness, any benefits from solar gain and the amenity for users."

The Planner's Report similarly noted that the levels of sunlight had not been assessed within the application. This exercise has been undertaken as part of the BPC appeal report (Appendix 7 of the 1st Party Appeal), which states:

"As part of the proposed development a park is created to the east of the proposed building. The BRE guide recommends that amenity spaces should receive at least 2 hours of sunlight on March 21st to at least 50% of their amenity space. The proposed park achieves 64.07% and therefore it can be said it therefore achieves the recommendations within the BRE Guide."

2.1.4 APPENDIX A OF 3RD PARTY APPEAL

The appellant has included an Appendix to their 3rd Party Appeal which titled Appendix A: Sunlight, Daylight, Overshadowing, Overbearing and Overlooking. This appendix has been reviewed by BPC Engineers and responded to in their response document which is included as Appendix 3 of this Appeal Response. Please refer to this appendix for further details.

2.2 BASEMENT FLOOD RISK ASSESSMENT

The applicant states that *"the Planner's Report clearly states that the site lies in Floor Zone B and the DCC Strategic Floor Risk Assessment states that underground offices are not permitted in this area. P22."*

The response document prepared by CS Consulting states the following in response to the above:

"Following a review of the Liffey Tidal Flood Extents (appended) map, it highlights the development site in the 1 in 1000 year flood zone (0.1% Tidal AEP Event) and outside the 1 in 200 year flood zone (0.5% Tidal AEP Event). The adjacent node point (09LIFF00180) indicates a level of 3.35m AOD for the 1000 year flood event and 3.12m AOD for the 200 year flood event. The proposed development shall have a minimum finished floor level (FFL) at ground floor of 3.65m AOD, i.e. 300mm freeboard above the 1000 year flood event and 530mm freeboard above the 200 year event, as stated in the SSFRA submitted with the planning application. This FFL level includes access points into the building that allow for further access to the lower ground floor. Levels for circulation vents, lightwells etc to the lower ground floor shall be above the level of 3.65m AOD. With this new FFL of 3.65m AOD,

the development site would now be located outside of the 1000 flood zone indicated on the Liffey Tidal Flood Extents Map. Therefore the site would be located within Flood Zone C.

As stated in the original SSFRA, submitted with the planning application, this development would be classed as less vulnerable development and as shown in the table below (Table 3 from the SSFRA) a justification test is not required.

Development Category	Flood Zone A	Flood Zone B	Flood Zone C
Highly Vulnerable Development	Justification Test Required	Justification Test Required	Appropriate
Less Vulnerable Development	Justification Test Required	Appropriate	Appropriate
Water-compatible Development	Appropriate	Appropriate	Appropriate

We note the loss of flooding area, however compensatory storage is not required as this only relevant to fluvial flooding and not tidal flooding. As the building development would then be classed as Flood Zone C, lower ground floor usages are now deemed appropriate in line with the Dublin City Council's "Dublin City Development Plan 2022-2028, Specific Flood Risk Assessment."

2.3 TRAFFIC IMPACTS / SERVICING

2.3.1 ACCESS TO CQE BASEMENTS

The appellant states that "CWE have rights of access to their basements car parks from Clarion Quay. These are not shown on the site plans. This access should be unhindered on a day-to-day basis as well as for waste collection and routine maintenance."

"The proposed traffic light system to manage access to the 2 no. car lifts to access the Basement parking (second level basement) to replace the current ramp access would have a direct effect on Clarion Quay and the access to CQE."

The response document prepared by CS Consulting states the following in response to the above:

"The site boundary shown on the planning drawings submitted under DCC Reg. Ref. 3274/24 corresponds to the extents of the Land Registry folios associated with the existing building at One North Wall Quay, except where (as indicated) it is necessary to include sections of footpath and/or roadway on North Wall Quay and Commons Street that are in the charge of DCC. The extents of any rights of way held by the owner(s) of the CQE buildings are not readily identifiable from public sources; the proposed development does not however entail any significant change to the alignment or cross-section of Clarion Quay and there is no intention by design to interfere with these buildings' existing access and servicing arrangements."

2.3.2 TRAFFIC CONGESTION IN CLARION QUAY AND ALDERMAN WAY

The appellant states the following:

"There is no accurate reporting of the current issues which exist in Alderman Way and Clarion Quay. There is no assessment of congestion or of the short, medium, and long term

effects of the increased quantum of vehicles generated by the construction and occupational stages of the development."

The response document prepared by CS Consulting states the following in response to the above:

"It is acknowledged that Alderman Way and Clarion Quay currently experience undisciplined vehicle parking and halting at times, although background traffic volumes are low. These issues appear to arise from an apparent lack of enforcement and a lack of existing servicing facilities, coupled with the vehicular trip generation of all surrounding buildings, and are not primarily attributable to the operation of the existing office building at One North Wall Quay. The applicant intends to take reasonable measures to deter undisciplined on-street parking within all areas under its control but does not have the power to enforce parking restrictions more generally along the full extents of Alderman Way and Clarion Quay. This would form a key consideration of the construction management plan required to be submitted to the local authority should grant of permission be received and works commence on the site."

The appellant also states the following:

"As the calculation of peak hour (8-9am) vehicular access to the development is 75 vehicles (64 + 11 service)(Table 12., p35. Ibid.), and there is no parking allowed on Clarion Quay, we submit that there would be considerable congestion and the restriction of access to and from CQE by the residents."

The response document prepared by CS Consulting states the following in response to the above:

"As described in the Traffic and Transport Assessment submitted under DCC Reg. Ref. 3274/24, the proposed development is projected to generate a maximum of 40no. light vehicle arrivals to the basement during the weekday AM peak of 08:00 to 09:00 (32no. cars and up to 8no. light servicing vehicles, which may also access the basement). Assuming the 8no. light servicing vehicles to also depart within this AM peak period, this gives a projected total of 48no. vehicular trips to and from the basement; this represents an average of one such vehicle arrival or departure every 1.25 minutes."

The exact cycle time of the proposed development's vehicle lifts shall depend upon final specification, but a maximum full cycle time of approximately 2 minutes would be representative of a lift arrangement of this nature, given the vertical travel distance involved. Over a 60 minute period, the proposed 2-lift access arrangement would therefore be able to process approximately 60no. vehicle arrivals or departures. This capacity exceeds the projected demand, and any queueing of incoming vehicles waiting for lift access is expected to be negligible. The design modifications suggested as part of the 1st-party appeal create a further off-street waiting area between Clarion Quay and the lifts themselves, which does no impact the access to the off-street servicing set-down zone."

It is therefore submitted that the proposed development's vehicular basement access arrangements have negligible potential to create vehicle queueing that could obstruct adjacent accesses or through traffic along Alderman Way and Clarion Quay."

2.3.3 ACCESS TO BIKE LIFT

The appellant states the following:

"As we have noted, the basement access ramps to CQE are not marked on any of the applicant's drawings. These are approximately 12 metres from the proposed access point"

to the car lift (no measurements are given so this figure is extrapolated from the proposed Ground Floor Plan). There is a speed calming ramp which extends to half the width of the access doors and the internal 'dwell' space for 1 vehicle (p47 Traffic & Transport Assessment) appears to be directly in front of the proposed 2 no. bicycle lifts potentially obstructing these."

A response to any potential conflict with the bike lift as proposed at application stage was presented in the Appeal Response (Transportation) Letter provided by CS Consulting which was included as Appendix 9 of the already submitted 1st party appeal.

An alternative proposal has been presented by CS Consulting which may be included in any grant of permission by way of a condition. The alternative arrangement would provide an internal bicycle stair with wheeling ramp to the bicycle parking at basement -1 which will be accessed from the landscaped park to the east. The bicycle lift would also be relocated further west to reduce any potential conflict with the car lift.

Should the Board be minded to grant permission subject to this modification, this may be addressed by way of an appropriately worded condition, with the potential wording as follows:

Prior to commencement of development, the developer shall submit a revised cycle access strategy within the building, to include cycle stairs and access from the landscaped park to the east, for the written agreement of the planning authority.

Please refer to the 1st Party Appeal for further details.

2.3.4 INSUFFICIENT SERVICING AND DELIVERY ACCESS

The appellant states that *"as the building will potentially accommodate multiple office users, the Gaiety School of Acting and the visitors to the Liffey Experience, we are concerned that the service and delivery access is not sufficient for the building as proposed and would not withstand future demand as outlined."*

The response document prepared by CS Consulting states the following in response to the above:

"As outlined in the 1st-party appeal submission, the proposed development's vehicular servicing arrangements maybe modified by condition through the provision of a loading bay enclosure off Clarion Quay, within the building curtilage. This would ensure that servicing vehicles have a clearly defined, secure area within which to stop, and prevents obstruction of the Clarion Quay carriageway and footpath. See Henry J. Lyons architectural drawing no. 1NWQ-HJL-AX-00-DR-A0100 for details. An extract of drawing 1NWQ-HJL-AX-00-DR-A-0100 is included in Figure 1 below outlining the autotracking of a servicing vehicle entering the proposed designated service area.

The 2no. parking spaces shown on Clarion Quay in the initial planning submission maybe modified by condition to another external loading bay/set-down area for refuse collection and taxi drop off facilities, etc. We note that the refuse staging area would be adjacent to this potential loading bay, providing off road temporary parking for refuse vehicles on Clarion Quay and preventing the obstruction of other traffic along Clarion Quay.

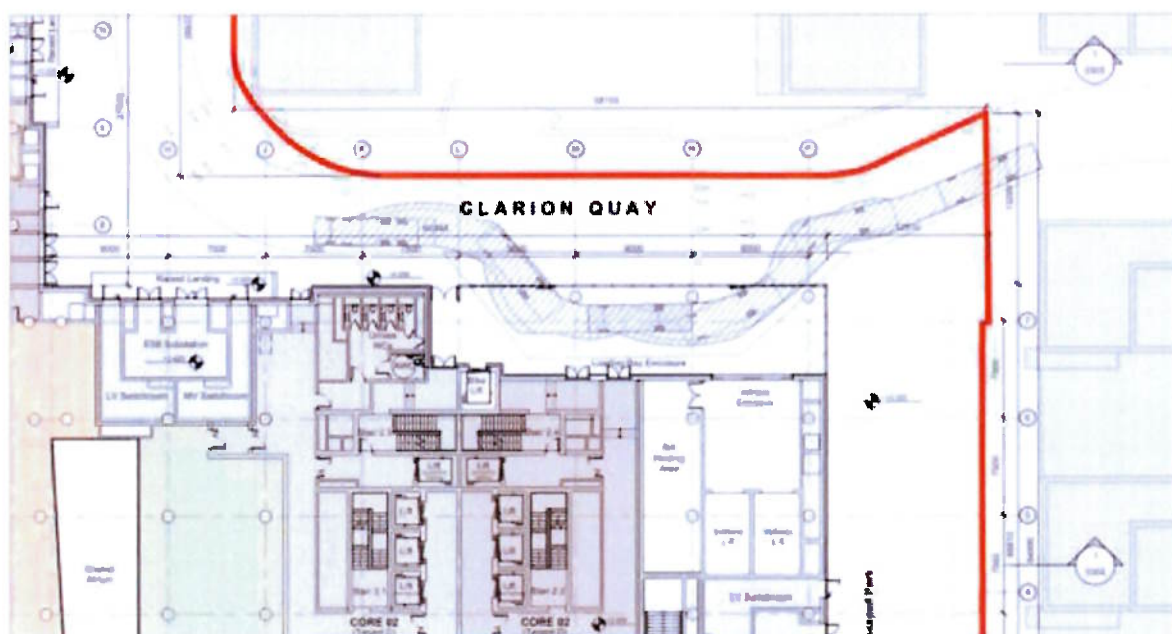


Figure 1 – Autotracking of Service Vehicle

Subject to these suggested modifications, the proposed development's vehicular servicing arrangements would represent a significant improvement over those of the existing building, and would therefore not exacerbate existing issues of undisciplined vehicle parking/halting on Alderman Way and Clarion Quay.

Furthermore, as described in the Service Delivery and Access Strategy submitted under DCC Reg. Ref. 3274/24, the proposed development's facilities management will prepare and implement a Development Servicing Management Plan that will specifically aim to ensure that servicing of the development can be carried out efficiently, whilst minimising any negative impacts on the surrounding road network. This will include provision for scheduling deliveries outside background peak hours and for enforcement measures where such operations are conducted without the approval of facilities management."

2.4 INSUFFICIENT INFORMATION ON ARCHITECTURAL DRAWINGS

On Page 3 & 4 of the 3rd Party Appeal, the appellant states that the architectural drawings submitted with the application are insufficient to appropriately assess the proposed development.

The drawings submitted with the application are in accordance with the Planning and Development Regulations 2001-2023 and were considered valid by Dublin City Council when the application was lodged. Additional drawings were submitted with the 1st Party Appeal to assist the Board to assess the proposed development. The specific concerns of the appellant are dealt with below.

2.4.1 PLANS, SECTIONS AND ELEVATIONS

In particular, the appellant states that *"we note that no distances beyond the site boundaries are given in any instance (plans, sections, or elevations)."* We refer to Section 23(1)(F) of the Planning and Development Regulations 2001-2023 which states the following:

"Plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and

site or layout plans shall indicate the distances of any such structure from the boundaries of the site."

The plans, sections and elevations have been submitted in accordance with the above and are therefore considered to be acceptable.

2.4.2 SITE LOCATION MAP AND SITE PLANS

The appellant states that *"the Site Location Map and the Site Plans (Existing and Proposed) do not include the southern side of the river Liffey and do not name any building around the site."*

In relation to the Site Location Map, Section 22(2)(b) of the Planning and Development Regulations states the following:

"6 copies of a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the planning authority prior to the submission of the application, in any particular case and marked so as to identify clearly:

- i. the land or structure to which the application relates and the boundaries thereof in red,*
- ii. any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue.*
- iii. any wayleaves in yellow, and*
- iv. the position of the site notice or notices erected or fixed to the land or structure pursuant to article 17(1)(b)"*

In relation to Site Plans, Section 23(1)(a) of the Planning and Development Regulations states the following:

"site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown"

The Site Location Map and Site Plans submitted with the application are in accordance with the above. It would not be possible to include buildings 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.

2.4.3 SECTION DRAWINGS

The appellant states the following:

"The existing building and its proposed replacement are L-shaped with the long axes running north-south along Commons Street and east-west along North Wall Quay. In order to fully describe the proposed scheme, 2 long sections and 2 short sectional elevations should be submitted. These should include detailed drawings of the elevations and gross sections, where possible, of the adjoining buildings. Sectional analysis is critical to assessing the impact of the proposal.

The application only contains two sections, AA and BB. They run through the long axes of the building. There are no short sections which would show the relationship of the proposed development with CQE. It is not identified on either Section. No separation distances are shown."

The DCC Planner's Report similarly notes that *"it is noted that the Section drawings submitted are limited and do not clearly show the impact of the massing of the proposal on the Clarion Quay Apartments. Due to the proximity of the new building to the residential blocks, and limited separation distance provided only by a laneway, the overbearing impacts are likely to be considerable."*

Additional section drawings were prepared by Henry J Lyons Architects and submitted as Appendix 5 of the 1st Party Appeal already submitted to ABP.

2.5 ADDITIONAL CONCERNS

2.5.1 QUANTUM AND HEIGHT

The appellant states the following:

"The heights of the building range from 32.835m to 80.150m. This is in contravention of the zoning and while consideration is given to taller buildings in specific locations, the Planning Authority made it clear that the height proposed was not acceptable. The applicants claim that they have modulated the forms to be sympathetic to the receiving environment and to respond to the width of the River Liffey."

A document prepared by John Spain Associates, Henry J Lyons Architects and City Designer was submitted with the 1st Party Appeal (Appendix 2) which further addresses Table 3 and Table 4 of the Appendix 3 of the Dublin City Development Plan 2022-2028. The purpose of this document is to demonstrate in a single document how the proposed development is compliant with the performance criteria outlined in Table 3 for a building of increased height, and Table 4 for a tall/landmark building. This document draws on the comprehensive range of documentation already submitted with the application which addresses the provision of Table 3 and Table 4, for ease of reference to the Board, while also responding to the City Council's assessment of the application. Please refer to this document for further details on how a tall/landmark building is suitable on this site.

3.0 SUMMARY AND CONCLUSIONS

It is considered that the proposed development is at an appropriate location for an office development given the site's zoning and location within the city centre of Dublin and in close proximity to high capacity, high frequency public transport. A justification against the points raised in the third party appeal have been provided above.

It is respectfully submitted that the applicant has demonstrated that the proposed development is in accordance with the Dublin City Development Plan 2022-2028, the relevant S. 28 Ministerial Guidelines, has regard to the site location and context, will not adversely impact on the residential or visual amenity of the area, and therefore the proposed development is in accordance with the proper planning and sustainable development of the area.

In view of the comprehensive response to the appeal, we respectfully request that the Board overturn the decision of Dublin City Council to refuse permission for the proposed development.

Yours faithfully,



John Spain Associates