

File With _____

SECTION 131 FORM

Appeal NO: ACP - 323120-25Defer Re O/H ☐Having considered the contents of the submission dated/ received 23/10/25
fromApplicant (agent) I recommend that section 131 of the Planning and Development Act, 2000be/not be invoked at this stage for the following reason(s): No new planning issues raisedE.O.: Laura Grady LaidoeDate: 28/10/25

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 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

C ORRESPONDENCE FORMAppeal No: ACP -323/20-25

M _____

Please treat correspondence received on 23/10/25 as follows:

- | | |
|--|--|
| 1. Updated database with new agent for Applicant/ Appellant _____
2. Acknowledge with BP <u>23</u>
3. Keep copy of Board's Letter ☐ | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: ☐
3. Keep Copy of Board's letter ☐ |
|--|--|

Amendment s/CommentsApplicant's Response to S131 Notice**4. Attach to file**

- | | |
|---|---|
| (a) R/S ☐ | (d) Screening ☐ |
| (b) GIS Processing ☐ | (e) Inspectorate ☐ |
| (c) Processing ☐ | |

RETURN TO EO ☒

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Laura Gandy Lawlor</u>	AA: <u>[Signature]</u>
Date: <u>28/10/25</u>	Date: <u>30/10/25</u>

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

Date: 23rd October 2025
JSA Job Ref.: 24126

RE: DEMOLITION OF BUILDINGS/STRUCTURES AND CONSTRUCTION OF A 14 STOREY BUILDING INCLUDING OFFICE USE, ARTS CENTRE AND CAFÉ, AUDITORIUM, AND ANCILLARY USES AT SITE BOUND BY CITY QUAY TO THE NORTH, MOSS STREET TO THE WEST & GLOUCESTER STREET SOUTH TO THE SOUTH, DUBLIN 2. THE SITE INCLUDES 1-4 CITY QUAY (D02 PC03), 5 CITY QUAY AND 23-25 MOSS STREET (D02 F854).

DUBLIN CITY COUNCIL REG. REF.: WEB2729/24

ACP CASE NUMBER: ACP-323120-25

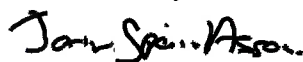
Dear Sir / Madam,

We refer to your letter dated the **6th October 2025** attached as Appendix 1 of this correspondence, requesting a submission or observation to be made in relation to a submission dated 29th September received by Declan Brassil and Company, on behalf of third party appellant, St, Laurence O'Toole Trust.

Please see enclosed a copy of 'Appeal Response on Sunlight and Daylight Matters' prepared by 3DDB which provides a comprehensive response to the issues raised in the appeal response prepared by Solearth (attached as Appendix A to the submission submitted by Declan Brassil and Company).

Please do not hesitate to contact us should you have any queries.

Yours faithfully,



John Spain Associates

AN COIMISIÚN PLEANÁLA	
LDG-	_____
ACP-	_____
23 OCT 2025	
Fee: €	_____ Type: _____
Time: <u>12.08</u>	By: <u>Hand</u>

See enclosed with this letter – *Appendix 1: Correspondence from An Coimisiun Pleanála*

Our Case Number: ACP-323120-25

Planning Authority Reference Number: WEB2729

Your Reference: Ventaway Limited



An
Coimisiún
Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61



Date: 08 October 2025

Re: Demolition of buildings/structures and construction of a 14 storey building including office use, arts centre and café, auditorium, and ancillary uses. An Environmental Impact Assessment Report and Natura Impact Statement have been submitted with the planning application.
Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer to the above mentioned appeal.

Please be advised that this notice supersedes the notice issued on 2nd October 2025 and any submissions received in response to that notice will be taken into consideration by the Commission.

The Commission is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated 29th September 2025 received from Declan Brassil and Company, on behalf of third party appellant, St. Laurence O'Toole Trust.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 24th October 2025**. The Commission cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Commission not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Commission will proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

Please quote the above appeal reference number in any further correspondence.

Tell
Glao Áitiúil
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Láithreán Gréasáin
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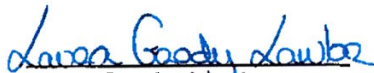
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D01 V902

64 Marlborough Street
Dublin 1
D01 V902

If you have any queries in the meantime, please contact the undersigned officer of the Commission at appeals@pleanala.ie.

Yours faithfully,



Laura Grady Lawlor
Executive Officer
Direct Line: 01-8737309

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City Quay

Appeal Response on Sunlight and Daylight Matters
Applicant: Ventaway Ltd.

"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design." - BR 209

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Response Report Contents

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The following report has been prepared by 3D Design Bureau (3DDB). 3DDB have over eight years experience in producing daylight and sunlight assessments for large scale planning applications and are recognised as experts in the field. This report has been reviewed and overseen by Nicholas Polley and Richard Dalton. Nicholas is CEO of 3D Design Bureau and is a qualified Building Services Engineer (B.Sc.(Eng) Dip Eng) with over 25 years experience in the industry. Richard is Associate Director of 3DDB and has a bachelor's degree in Building Information Modelling (BIM) with over 20 years experience in the industry.

1.0 Executive Summary

3D Design Bureau (3DDB) carried out a comprehensive daylight and sunlight assessment and report for the planning application for the commercial development at City Quay, Moss Street, and Gloucester Street South (DCC Reg. Ref. WEB2729/24). The proposal was subsequently granted planning permission by Dublin City Council (DCC).

On 28th July 2025, an appeal was submitted to An Coimisiún Pleanála (ACP) challenging this decision (ACP-323120-25, Ref. WEB2729/24). This appeal addressed a number of concerns, part of which was based on a 3rd party daylight and sunlight report prepared by Solearth. 3DDB subsequently issued a direct response to this, identifying what we believed to be important inaccuracies in the Solearth report.

In a document dated 29th September 2025, the appellant's planning consultant, Declan Brassil + Company, has now submitted a further response Solearth in rebuttal to our submission. This latest document seeks to defend their original findings.

While this matter has resulted in a protracted exchange between consultants, 3DDB considers it a professional duty to submit this final response. We have a responsibility to correct the record, as the latest submission contains factually incorrect statements and misinterprets the crucial advice provided in the BRE Guidelines.

This response will repeat and respond to all of the points raised in the 'Applicants Conclusions Addressed' section of the latest Solearth response document.

This further response outlines critical flaws in the arguments presented by the appellant. Consequently, the report submitted by 3D Design Bureau (DCC Reg. Ref. WEB2729/24) should be the primary reference for An Coimisiún Pleanála when assessing the daylight and sunlight impacts on neighbouring properties.

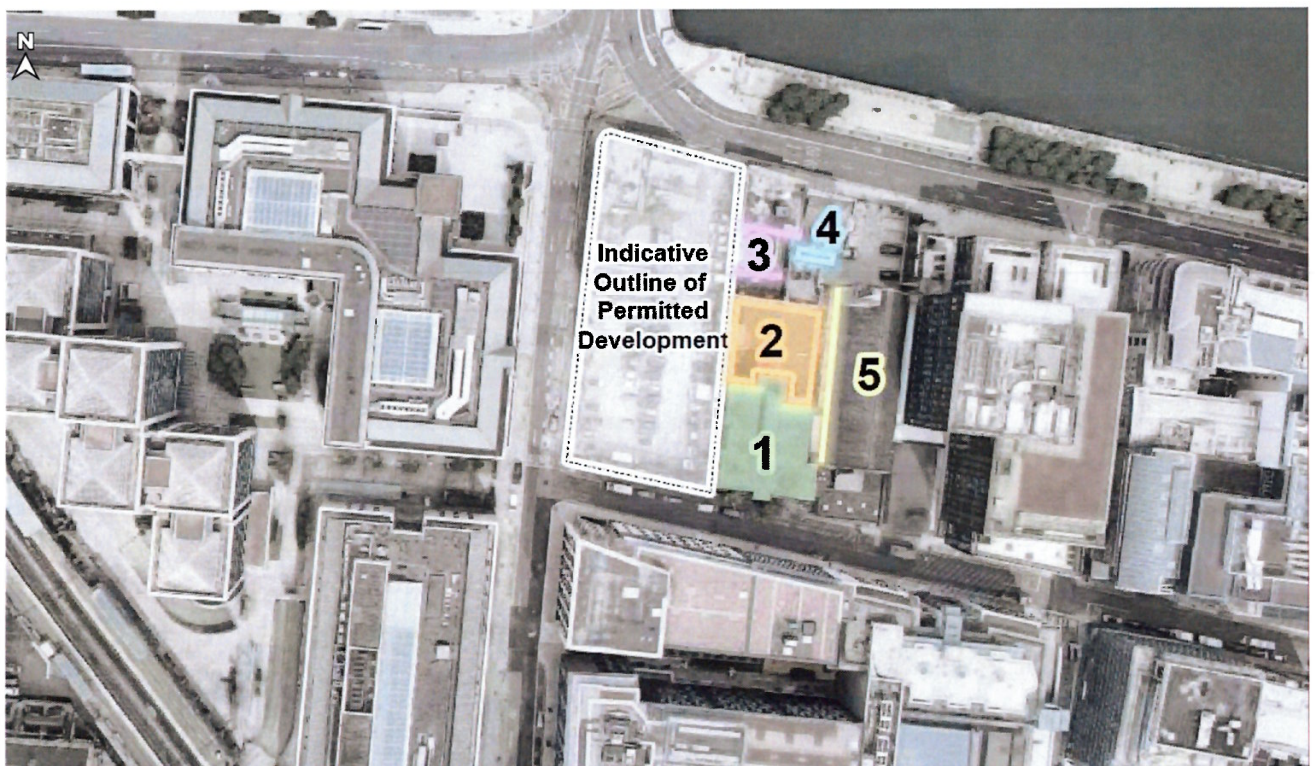


Figure 1.1: Scope of surrounding properties and environment assessed.

The properties discussed in this appeal response are indicated in Figure 1.1 above and listed below:

- (1) City Quay National School - Classrooms
- (2) City Quay National School Yard - Amenity Area
- (3) 7 to 8 City Quay - Windows
- (4) City Quay Parish Presbytery - Garden / vegetable growing area
- (5) Immaculate Heart of Mary Church - Existing facade and potential roof, windows

Explanations of key terms and the relevant daylight and sunlight assessment standards are included in the sections A.0 & B.0 at the end of this report.

2.0 Addressing the key points raised in Solearth's response document

2.1 Fundamentally Flawed 3d Models- Sun On Ground to Schoolyard

Appellant Statement:

"Nothing in the 3DDB report illustrates convincingly that the applicants 3D models are flawed, fundamentally or otherwise.

Two points are relevant here:

1. Neither assessor has the same information on which to base their models as the other:

- The applicants don't know the sizes, levels, materials or internal layouts of the Parish's buildings so have had to derive interpolate and assume same in their models. They do however have or should have access to digital versions of the applicants drawings or indeed their full 3D models (and of professional surveys of the surroundings) meaning they can measure and model every aspect of the proposal to a highly accurate level of detail.
- The appellants don't have the architects 3D design models and so have had to make our models based on the PDF drawings of the proposal downloaded from the planning website. With PDF versions of the proposal drawings it is only possible to accurately take levels, positions and dimensions where they are specifically annotated, which by definition cannot be exhaustive. Thus the applicants 3D models must by definition interpolate where information has not been annotated.
- Therefore there will almost unavoidably be some differences between the detail of the 3D the models utilised."

3DDB Response:

3DDB acknowledges that when two different consultants conduct a study on the same proposal, using different models and methodologies, a discrepancy between the two sets of results is to be expected.

Appellant Statement (continued):

"2. Because daylight / sunlight assessment is i) a before and after comparison and ii) concerned with relative changes in daylight or sunlight levels, what is important is not whether the models of the applicant and the appellant are the same, but that both have used the same model in their before and after simulations (other than the existing and proposed buildings geometries replacing each other). It is not disputed that the appellant consultants (Solearth) have used the same model for their before and after comparison and therefore our finding are accurate."

3DDB Response:

The concern raised by 3DDB in the original response document was that the appellant did not include the existing building, Georges Quay House, in their model state representing the existing state. The fact that the proposed development is situated between the assessed windows on 7/8 City Quay and the omitted, existing building 'Georges Quay House is of particular importance in the context of this study.

As demonstrated in Figure 2.1 below, Georges Quay House is visible from the assessed windows of 7/8 City Quay in the baseline state, but is not visible in the proposed state.

By omitting Georges Quay House from their baseline model, Solearth's study incorrectly calculates unobstructed skylight access. This artificially inflates the baseline figure, which in turn exaggerates the perceived impact of the proposed development. The assessment is therefore not a like-for-like comparison and its findings are unreliable.

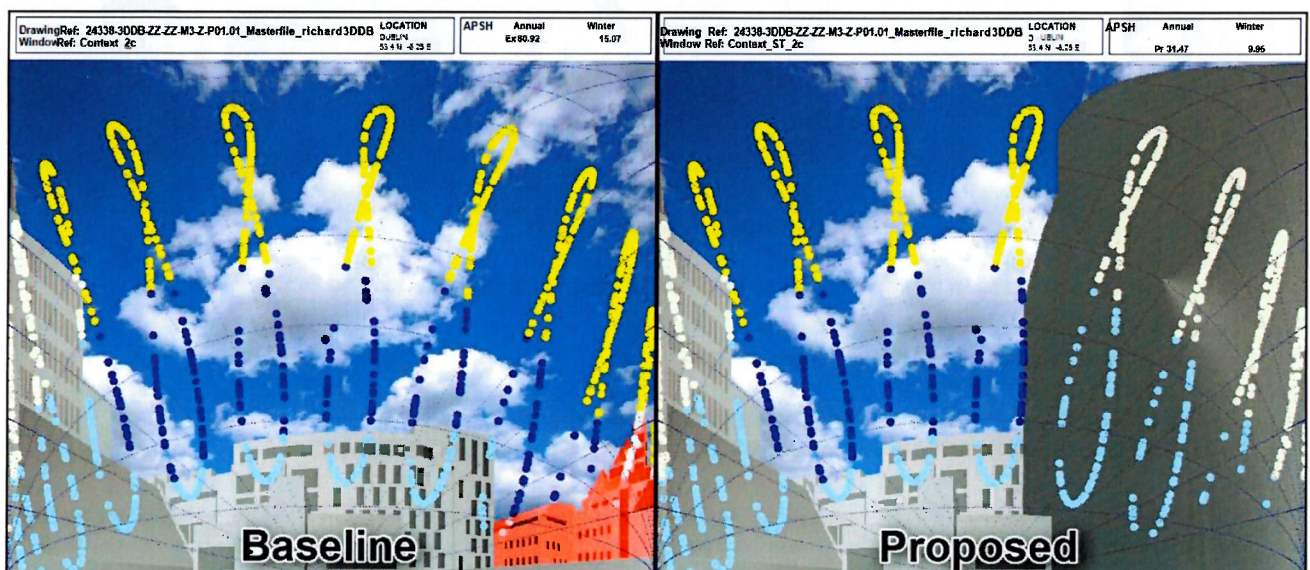


Figure 2.1: Renderings generated for 3DDB's APS H/WPSH impact assessment of window '2c' of 7 to 8 City Quay - Baseline (R), Proposed (L) Sun positions are indicated for summer (yellow) and winter (blue); Georges Quay House (red) was not included in Solearth's analytical model

Appellant Statement (continued):

- *"The applicant has pointed out that in the shadow diagram there is a discrepancy in 2 of 14 image set between the before and after shadow directions which should be the same. They suggest that because of this the model is flawed and comparison impossible. We accept that two images were incorrectly inserted in the table. A balanced review of all other image set however shows that the models are consistent. This error is one of presentation not of assessment and does not call into question in any substantive way the finding of this part of the report. These images have been corrected and are included in the updated table in the Appendix below."*

3DDB Response:

We welcome the correction applied to the shadow study images which has been updated to show consistent before and after renderings. The viewer can now make an informed comparison between the before and after renderings on May 21st. We note that of the two updated images, the proposed development results in overshadowing into the school yard at 2pm only, with no additional shadows cast in this area at 12 noon on this date.

However, this presentation error was not the primary flaw identified by 3DDB. The primary issue, which remains unaddressed in their updated submission, is that the ground plane receiving the shadows appears to have been modelled at an incorrect level. As highlighted in our previous response document and shown again in Figure 2.2 below, this fundamental error has not been rectified and undermines the validity of the entire shadow analysis.

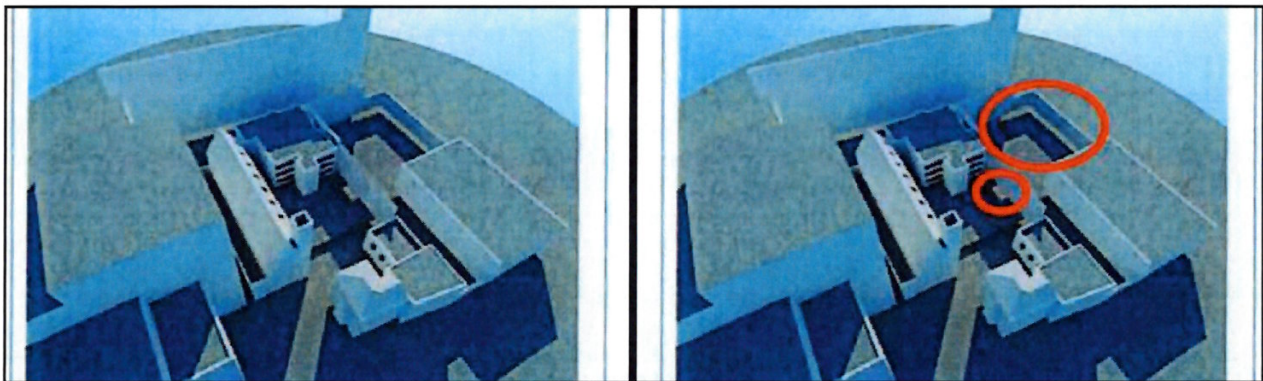


Figure 2.2: 'Existing Situation' March 21st, 3pm as represented in the Solearth report (R), Areas indicating flawed model in the same image (L).

Appellant Statement (continued):

- *Similarly it is suggested that a small building in the school yard being excluded from the appellant's assessment model somehow calls the findings into question. This building is insignificant within the context of the model as i) it is only 2.8m tall and thus vastly overshadowed by other walls and buildings in both the before and after scenarios and ii) it is omitted from both the before and after models so, given the assessments are concerned with relative changes, it's omission is of no consequence to the findings of the study.*

3DDB Response:

The appellant's dismissal of the 2.8m structure in the schoolyard directly contradicts the BRE Guidelines. In fact, on this matter the guidelines are unequivocal; Section 3.3.10 states

"...as a guide, shadows of walls or opaque fences greater than 1.5 m high should be included in the calculation..."

The omission of a 2.8m structure is therefore not a minor issue. This error has two significant consequences:

Firstly, as with the omission of 'Georges Quay House,' it creates an inaccurate and overly optimistic baseline, which exaggerates the relative impact of the proposal.

Secondly, it misrepresents the available open space within the schoolyard, altering the perception of the extent of new overshadowing.

Appellant Statement:

In the section 'Restatement of our significant findings' in the Solearth response document, regarding sunlight in the school grounds, it is stated:

"...We would state again that the assumptions in the BRE methodology for amenity sunlight favour summer months (March to September). Our point is that the months from September to March are far more important to a schoolyard and any loss of sunlight to the schoolyard in those months is critical..."

3DDB Response:

The use of shadow renderings for May 21st to demonstrate their point is a curious choice. Given that this date falls outside the period of time Solearth have claimed to be "far more important".

Of greater concern, Solearth have asserted that *"...the BRE methodology for amenity sunlight favour summer months..."* this does not align with the advice given in the BRE Guidelines, section 3.3.17 of which states: *"It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March..."* - emphasis added

It is a simple fact, that any sunlight assessment will yield more favourable results in the summer months with longer shadows on shorter days during winter time. This is accounted for in the BRE's choice of the equinox, March 21st, as the appropriate assessment date, as it represents the mid-point between seasonal extremes.

2.2 Use of inappropriate metrics - Classrooms

Appellant Statement:

"The general principle in daylight and sunlight assessment is that neighbour impact assessments, such as this one, are tested against the standards and procedures set out in BRE 209 (2022). The applicants consultants 3DDB have relied on this in both their original report and their response to the appeal. It must be stated very clearly however that BRE 209 (2022) is intended in the main to be applied to existing domestic buildings and almost all of its principles assume that residential occupants should not have the daylight or sunlight they enjoy impacted by a new nearby development beyond a limit (generally a 20% reduction).

This rationale is grounded in the fact that residential occupants can a) adjust to temporary inadequate daylight or sunlight conditions by i) moving within a given space or ii) moving to another space with window facing a different aspect and b) are not required to stay in a particular place for a set number of hours. These are in contrast to a school classroom for instance where occupants (pupils) are assigned a place to sit and expected to stay there for the whole school day. Thus BRE 209 clearly has limitations in its relevance for assessing daylight impacts to classroom and even to church spaces.

It is for this reason that our assessment included additional assessment that utilized other metrics and methodologies than in BRE 209.

There are ample justifications in EN 17037, Appendix 16 of the Dublin City Development Plan and School Design Recommendations to justify this amplification."

3DDB Response:

While the BRE Guidelines are highly relevant to residential properties, the appellant is incorrect to suggest they are not applicable to schools. The guidance itself explicitly refutes this claim in Section 2.2.2, which states that the guidelines may be applied to non-domestic buildings where daylight is expected, and specifically lists schools.

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

Solearth's objection to applying the 20% reduction guideline to a school is noted. However, while they object to this metric, they fail to propose an alternative benchmark for what would constitute an acceptable impact. By solely challenging the industry-accepted metric without suggesting a replacement, they create an impossible standard. Given the rooms are already below minimum daylight requirements, Solearth's position logically defaults to a zero-tolerance conclusion where any further impact is deemed unacceptable. This is an unrealistic and untenable position that would render any reasonable development of the subject site unviable.

Appellant Statement (continued):

Later in the appeal document, under the heading of "Restatement of our significant findings", the appellant states the following in relation to daylight in school classrooms:

"The analysis by the applicants daylight consultant (3DDB) makes the point that we should not have used the aDF and SDA metrics in the EN17037 standard as these are not pertinent to existing buildings. It is precisely because of this weakness of BRE 209 alluded to above which conventionally deals with impacts to residential, and recognising that this building is a school, that we did so. The fundamental difference between a classroom and a residence is that in a classroom pupils are not able to move from their allotted seats, and therefore the distribution of data [sic] across the classroom is important. Our study assessed the school as if it was a new building and thus was justified in using the SDA metric of EN17037 standard."

3DDB Response:

3DDB takes issue with a number of points in this paragraph.

Firstly, the BRE Guidelines do address daylight distribution:

The appellant claims a departure from BRE guidance was necessary because "the distribution of data across the classroom is important." This is a false premise. The BRE Guidelines provide a specific methodology for this exact purpose: the No-Sky Line (NSL) assessment. Section 2.2.10 states:

"Where room layouts are known... the impact on the daylighting distribution in the existing building should be found by plotting the no sky line in each of the main rooms..."

The guidance even references appropriate working plane heights for schools, confirming its applicability.

Secondly, the appellant did not conduct a No Sky Line (NSL) assessment:

The appellant's failure to conduct an NSL assessment is a significant methodological omission, particularly as they possessed the necessary internal layouts for the school. Instead of following the recommended BRE procedure, they chose an inappropriate metric from another standard. We are not suggesting that the NSL study was omitted because it did not suit their narrative, but the recommended methodology should have been exhausted before introducing, non-standard assessments to their analysis.

To illustrate the proper method, 3DDB have conducted an indicative NSL assessment:

While 3DDB did not have access to verified room layouts for the original application (and correctly omitted the NSL study as per BRE advice), we have now conducted an indicative assessment to demonstrate the likely outcome. Assuming a standard classroom depth of 6 m and a 700 mm working plane, our analysis (shown in Table No. 2.4.0, below) indicates that the proposal would comply with BRE recommendations for daylight distribution.

Table No. 2.4.0 - Indicative NSL Results:						
Room Number	Baseline NSL Value**	Proposed NSL Value**	Ratio of Proposed NSL to Baseline NSL	Recommended minimum NSL*	Level of Compliance with BRE Guidelines	Effect of Proposed Development
Classroom 1a	96.04%	96.03%	1.00	76.83%	BRE Compliant	Negligible
Classroom 1b	98.99%	81.78%	0.83	79.19%	BRE Compliant	Negligible
Classroom 1c	97.03%	97.02%	1.00	77.62%	BRE Compliant	Negligible
Classroom 1d	99.60%	82.71%	0.83	79.68%	BRE Compliant	Negligible
Classroom 1e	97.56%	97.56%	1.00	78.05%	BRE Compliant	Negligible
Classroom 1f	99.65%	82.85%	0.83	79.72%	BRE Compliant	Negligible

* Section 2.2.11 of the BRE Guidelines states that: If, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.

**The results shown in this assessment are using an indicative layout. Verified NSL results will differ.

While indicative, this study demonstrates that the proposal is unlikely to cause an adverse effect on daylight distribution within the classrooms.

Finally, the appellant's statement that they "assessed the school as if it was a new building" is fundamentally incorrect. The purpose of this assessment is to analyse the impact of a new development on an existing building. Applying new-build standards is inappropriate and misrepresents the nature of an impact assessment. If the school were a new building, it is reasonable to expect that the project architects would address poor daylight performance through appropriate design mitigation.

2.3 Inconsistent baseline calculations - Sunlight (APSH&WPSH) to 7 and 8 City Quay

Appellant Statement:

"3DDB suggest that because a building some 50m away from the receptor was not included in our model that our before (baseline condition in their terminology) is reading as lower (presumably intended to read higher ie better) than is accurate which in turn means the after level appears much worse."

3DDB Response:

The appellant has misrepresented our previous statement. We did not state that the baseline condition was lower 'because' City Quay House was not included in the assessment model. We highlighted that their baseline results were inexplicably low 'in spite of this omission, which should have artificially inflated them.

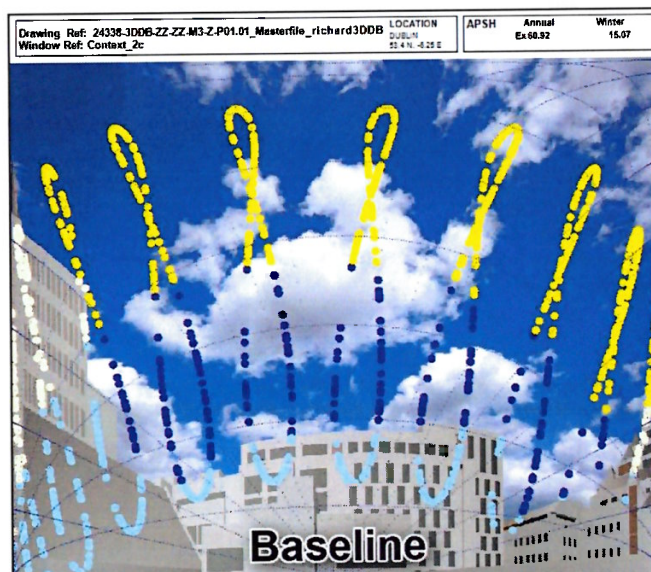


Figure 2.3: Renderings showing the annual sun-path as calculated in the baseline state from window '2c' of '7 to 8 City Quay'. Sun positions are indicated in yellow for summer and in blue for winter.

While minor differences between two models are expected, the disparity here is significant. In some cases, Solearth's calculated sunlight values are less than half of those produced by 3DDB. This discrepancy cannot be attributed to routine modelling or calculation differences. This poses the question of which of the two studies has been correctly implemented.

The assessed windows of 7 to 8 City Quay have a strong southerly orientation, and are not highly constrained in the baseline state. As indicated in Figure 2.3, which also formed part of the previous response, the results generated by 3DDB are consistent with the expectation of the level of sunlight when orientation and obstructions are considered.

By contrast, Solearth's assessment of the same windows show a much lower level. In some cases the APSH/WPSH results in the Solearth report are less than half of that calculated by 3DDB. This does not align with a reasonable expectation for sunlight access for these windows given that they have a favourable orientation and are not overly constrained. It was on this basis, that 3DDB questioned the validity of Solearth's findings in this regard.

**Appellant Statement (continued):**

"We accept that George Quay House was not included in our model. It was not included because it does not subtend an angle of greater than 25 degrees from its parapet to the centre of the windows assessed in 7 & 8 City Qy. It ranges in distance to 50m to 66.8m (main building) to 55m (return) away from 7-8 City Quay and has a difference in height (between its parapet to Shaw St and the centre of the windows assessed in 7-8 City Qy) ranging 13 to 16m (depending on storey) giving sectional angles of 10 and to 17 degrees. Section 3.2 of BRE 209 states that obstruction to sunlight would not be an issue if this angle is less than 25degrees. Please see Appendix 1."

Therefore our findings on this matter are accurate.

The corresponding section in Appendix 1 of the 3rd party submission is an extract taken directly from section 3.2 of the BRE Guidelines, with text highlighted. This has been replicated below, rather than taking a direct excerpt from the scanned PDF of their document, which has lost image quality:

3.2 Existing buildings

3.2.1 In designing a new development or extension to a building, care should be taken to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight. People are particularly likely to notice a loss of sunlight to their homes and if it is extensive then it will usually be resented.

3.2.2 Obstruction to sunlight may become an issue if:

- Some part of a new development is situated within 90° of due south of a main window wall of an existing building (Figure 27)

- In the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (Figure 14)

3DDB Response:

The appellant has fundamentally misinterpreted and misapplied Section 3.2 of the BRE Guidelines.

The 25° rule quoted is a preliminary check used to determine if a 'proposed development' is likely to impact an 'existing window'. It is a tool for screening which neighbouring properties need to be assessed for potential impacts.

It is categorically not a rule for deciding which existing buildings can be omitted from the 3D context model. An accurate baseline model must include all significant existing structures that could obstruct light in order to be a true representation of the current environment. The 25-degree rule is entirely irrelevant to this principle.

Therefore, the appellant's justification for omitting 'Georges Quay House' is invalid, as it is based on a complete misapplication of the relevant guidance. As established in Section 2.1 of this response, this omission has a material impact on the assessment's findings.

2.4 Incomplete and misleading analysis (interpretation) Immaculate Heart of Mary Church

Appellant Statement:

"The 3DDB report states that the applicant daylight's daylight report erroneously states that daylight to all windows in the church are affected. We accept this language was too broad. The following is a better statement of our findings. Daylight to all assessed window, being the 6 facing west (across the school yard), are impacted by the new development.

3DDB make the point that it is inappropriate to apply BRE 209 to a church as it is not listed in the types of building BRE 209 refers to. However BRE 209 does set out a methodology for assessing impact quantitatively which is not disputed, and it is for this reason we used it. 3DDB do not take issue with our numerical results to these windows.

In terms of the appropriateness of assessing daylight or sunlight loss to a church at all (using BRE 209 or any other methodology): To this we respond the Immaculate Heart of Mary Church is an important place of worship and that continual adjacent development to date has encroached on all other sides of it obstructing its light on a progressive basis. These 6 windows are the only ones that allow generous levels of daylight into the church at present and we would submit that their continued access to it is of significant importance."

3DDB Response:

While 3DDB welcomes the appellant's acceptance that their 'language was too broad' in their original assessment, their subsequent response continues to rely on misleading statements to overstate the level of effect on the church.

They have stated: "continual adjacent development to date has encroached on all other sides..." This is factually incorrect. There has been no encroachment on the north-facing facade.

They also state: "These 6 windows are the only ones that allow generous levels of daylight into the church at present..." Again, this is not the case. The unobstructed window to the north is the largest on the building and provides a significant source of daylight to the church interior.

3DDB accepts that there will be an impact to the six west-facing windows and does not dispute the numerical results of the Solearth assessment. However, the appellant continues to misrepresent the overall context by presenting an incomplete and inaccurate picture of the existing conditions.

3.0 Conclusion

The third-party appeal is undermined by a consistent pattern of errors and misinterpretations. From fundamental flaws in the baseline 3D models to the selective application of assessment metrics and the use of factually incorrect statements to overstate impacts, the appellant's analysis lacks the accuracy required for a reliable assessment.

We have demonstrated that through the application of correct methodologies and the inclusion of a more accurate surrounding context, the assessments conducted by 3DDB are more robust and reliable than those presented by Solearth.

Therefore, the findings presented in the appeal are not a credible basis for challenging the originally submitted daylight and sunlight report, and our original, methodologically sound assessment remains valid.

We contend that the daylight and sunlight report (DCC Reg. Ref. WEB2729/24) submitted by 3D Design Bureau as part of the original planning proposal, provides sufficient information for An Coimisiún Pleanála to make an informed, unbiased opinion regarding the daylight and sunlight impacts of the proposed development on the neighbouring properties.

A.0 Guidelines / Standards

Whilst the subject of this response is related to Impact only, this section refers to guidelines and standards for daylight and sunlight assessment for both impact assessment and scheme performance for informative purposes.

Overview

Neither the British Standard, European Standard, British Annex to the European Standard nor the BRE Guidelines (BR 209) set out rigid standards or limits. They are all considered advisory documents. The BRE Guide is preceded by the following very clear statement as to how the design advice contained therein should be used:

"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."

That the recommendations of the BRE Guidelines are not suitable for rigid application to all developments in all contexts, is of particular importance in the context of national and local policies for the consolidation and densification of urban areas or when assessing applications for highly constrained sites (e.g. lands in close proximity or immediately to the south of residential lands). A compromise may have to be made concerning daylight and sunlight compliance to achieve national or local planning objectives.

It is the expert opinion of 3D Design Bureau, that the BRE Guidelines (BR 209) are the most appropriate guiding document for daylight and sunlight assessment. For daylight within proposed developments, a supplementary study has also been carried out under the criteria of I.S. EN 17037. The rationale for this opinion is outlined below.

BR 209 - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2022)

This document will be referred to as the *BRE Guidelines*, the *BRE Guide* or *BR 209* in this report.

At the time of writing this report, the BRE Guidelines are in the third edition (BR 209). The BRE Guidelines set out recommendations for appropriate levels of daylight and sunlight within a proposed development, as well as providing guidance on impacts arising from a proposed development to surrounding properties and amenity areas.

Upon publication of the 3rd Edition of the BR 209 (2022), the 2nd edition (2011) has been withdrawn. Among the updates from the 2nd to the 3rd edition are some changes in the recommended metrics to use for carrying out scheme performance assessments.

Daylight within proposed developments was previously assessed under the 2011 guidelines using an 'Average Daylight Factor' assessment (ADF). This has been replaced with a 'target illuminance assessment', also known as a 'Spatial Daylight Autonomy' assessment (SDA).

Sunlight within proposed developments was previously assessed under the 2011 guidelines using an 'Annual / Winter Probable Sunlight Hours' assessment (APSH/WPSH). This has been replaced with a 'Sunlight Exposure' assessment (SE). However, APSH/WPSH is still recommended for sunlight impact assessments.

As such, no ADF or APSH/WPSH assessment will be included as part of a scheme performance assessment under the updated guidelines.

Details of the criteria for new metrics, and all other relevant metrics, can be found in the methodology section of the original report.

It is the expert opinion of 3D Design Bureau that the BRE Guidelines are the most appropriate guiding document for assessing daylight potential within a proposed development. The rationale for this opinion is outlined in the Dublin City Council development plan (2022-2028), which states:

"Prior to 2018, Ireland had no standard for daylight. In 2018, the National Standards Authority of Ireland adopted EN 17037 to directly become IS EN 17037. It is important to note that no amendments were made to this document and unlike BS EN 317037 [sic – likely intended to reference BS EN 17037], it does not contain a national annex. It offers only a single target for new buildings (there are no space by space targets – e.g. a kitchen would have the same target as a warehouse or office). It does not offer guidance on how new developments will impact on surrounding existing environments. These limitations make it unsuitable for use in planning policy or during planning applications. BR 209 must still be used for this purpose."

While the BRE Guidelines draws reference from BS EN 17037, there are some subtle differences between BR 209 and BS EN 17037. For the purposes of this report, the BRE Guidelines (BR 209) is considered the appropriate reference document.

A detailed description of the various recommendations for impact assessment and scheme performance is outlined in the original report.

EN 17037:2018: Daylight in Buildings (2018)

EN 17037 is a European Standard that provides recommendations for daylight within spaces. (Emphasis added)

EN 17037:2018 recommends that 300 lux should be received across 50% of a hypothetical reference plane of any room for half of the daylight hours of the year, with no less than 100 lux received across 95% of the reference plane. No distinction is made for the function of the room for target lux levels within this standard.

It is the opinion of 3D Design Bureau that these target values are less appropriate for proposed residential developments than the recommendations made in the BRE Guidelines, which apply room-specific target values for appropriate LUX levels.

Recommendations made in EN 17037 regarding Sunlight Exposure for proposed developments have been incorporated into the BRE Guidelines. As such, Sunlight Exposure is deemed the appropriate assessment for sunlight within habitable rooms of the proposed development.

I.S. EN 17037:2018 Daylight in Buildings (2018)

I.S. EN 17037 is a direct adoption of the European Standard EN 17037:2018 that provides recommendations for daylight within spaces.

The target values given within I.S. EN 17037 are directly adopted from EN 17037. As such, there are no room-specific recommendations for daylight. Because of these limitations, it is the expert opinion of 3D Design Bureau, that the recommendations made in the BRE Guidelines are more appropriate to use than those within I.S. EN 17037.

BS EN 17037:2018: Daylight in Buildings (2018)

BS EN 17037 is the British Annex to the European Standard (see above). The British Annex acknowledges that a rigid application of the European Standard "may not be achievable". It states "... it is the opinion of the UK committee that the recommendations for daylight provision in a space [...] may not be achievable for some buildings, particularly dwellings."

In BS EN 17037, daylight recommendations differ depending on the function of a room. Target lux levels are applied across 50% of the reference plane of a room for half of the daylight hours. The target lux levels are:

- 200 Lux for kitchens • 150 Lux for living rooms • 100 Lux for bedrooms

No minimum is stated to be achieved across 95% of the working plane. If a space has dual purposes it is advised that the higher target value should be applied.

Planning Design Standards for Apartments: Guidelines for Planning Authorities (2025)

In July 2025, the Department of Housing, Local Government and Heritage published an updated guidance document for new apartments, 'Planning Design Standards for Apartments: Guidelines for Planning Authorities, 2025'. This document, which may be referred to by the simplified name 'Apartment Guidelines', supersedes the previous guidance document for apartments 'Sustainable Urban Housing: Design Standards for New Apartments, 2023'.

Unlike the 2023 edition, the current Apartment Guidelines do not directly reference any specific guidance document for daylight and sunlight. Instead, they refer to 'Sustainable Residential Development and Compact Settlements Guidelines (2024)':

"The provision of acceptable levels of natural light in new apartment developments is an important planning consideration, as it contributes to the liveability and amenity enjoyed by apartment residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. Section 5.3.7 of the SRDCSGs outlines requirements for the provision of acceptable levels of daylight in new residential developments and adjoining properties." (emphasis added.)

The relevant section of 'Sustainable Residential Development and Compact Settlements Guidelines' (SRDCSGS), 5.3.7, is referenced in the following section of this report.

Paragraph 6.7 of the superseded 2023 apartment guidelines states:

"Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specific. This may arise due to a design constraints [sic] associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution."

Although the above requirement has been removed from the 2025 apartment guidelines, the request remains in some local authority development plans. As such, the design team may still provide a rationale and/or compensatory design solutions for instances where daylight and/or sunlight recommendations have not been achieved.

Note: Section 3.2 of the 'Urban Development and Building Height Guidelines 2020', provides similar guidance as the '2023 apartment guidelines' as referenced above. However, it should be noted that at the time of publication of the Urban Development and Building Height Guidelines (2020), BR 209 was in its second edition, first published in 2011. Since then, a third edition of BR 209 has been published (June 2022) and the 2nd edition has been withdrawn. BR 209 no longer references BS 8206-2:2008, which has also been withdrawn. The standard now referenced in BR 209 edition 3 is BS EN 17037.

Sustainable Residential Development and Compact Settlements Guidelines (2024)

Often referred to as "The Compact Growth Guidelines" this document advises on compact growth principles as a means to promote sustainable development, efficient land use, and infrastructure while minimizing sprawl and environmental degradation, contributing to sustainable urban growth, enhance liveability and support broader planning objectives.

In regard to daylight, section 5.3.7 states:

"The provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties."

(a) The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.

(b) In cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.

In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution."

The Compact Growth Guidelines should be applied within statutory development plans and during the consideration of individual planning applications. Flexibility in interpretation allows planning authorities to tailor recommendations to specific local contexts and planning objectives.

Dublin City Development Plan (2022-2028)

Appendix 16 of the Dublin City Development Plan, 2022-2028 (DCC) provides direction to applicants and consultants conducting daylight and sunlight assessments, outlining the necessary information for inclusion in such reports.

The guidance provided in the DCC development plan was formulated prior to the publication of the 3rd Edition of the BRE guidelines (BR 209), but in anticipation of it. Section 5.0 of Appendix 16 of the DCC Development Plan states:

"Until such time when BR 209 is updated and all relevant and required information is included (i.e. removal of reference to BS 8206-2 and inclusion of metrics within BS EN 17037), the planning authority will request metrics from both BS 8206-2 and BS EN 17037. These are outlined below for clarity."

BR 209 has since been updated, leading to the withdrawal of some requested assessments in the DCC Development Plan by the BRE and their replacement with more pertinent assessments as outlined in the 'BR 209' section above.

Guidelines / Standards Summary

According to the aforementioned guiding documents, the following assessments are typically conducted for a daylight and sunlight study, depending on the specific requirements of the project.

Impact on the Surrounding Properties

Impact to daylight is assessed through a Vertical Sky Component (VSC) on all relevant surrounding windows: A VSC impact assessment is typically conducted, where appropriate, on the relevant surrounding windows determined by the BRE decision chart as illustrated in Figure 20 of the BRE Guidelines.

Impact to daylight can be further assessed through a No Sky Line (NSL) on surrounding properties: Section D3 of the BRE Guidelines recommends a No Sky Line study "where room layouts are known". Consequently, NSL assessments are typically conducted only on properties where detailed floor plans have been provided.

Impact to sunlight in neighbouring properties is assessed through an Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) on all relevant surrounding windows: An APSH/WPSH impact assessment is typically conducted, where appropriate, on the relevant surrounding windows/rooms that have an orientation within 90° of due south.

Impact to sunlight in neighbouring gardens and/or amenity areas is assessed through a Sunlight on Ground (SOG) in all surrounding amenity spaces: A SOG impact assessment is typically carried out, where appropriate, on the neighbouring gardens/ amenity spaces located within close proximity and to the north of the subject site.

B.0 Glossary

B.1 Terms and Definitions

Below is a list of daylight and sunlight terminology that may be used in this report depending on the assessments carried out.

Skylight

Non directional ambient light cast from the sky and environment.

Sunlight

Direct parallel rays of light emitted from the sun.

Daylight

Combined skylight and sunlight.

Overcast sky model

A completely overcast sky model, used for daylight calculation.

Cloudless sky model

A completely cloudless sky model, used for sunlight exposure calculation.

Model State

The model state is a term used to describe the configuration of the digital model used to run analysis. Model states will typically reflect a baseline state and a proposed state.

Vertical Sky Component (VSC)

Ratio of that part of illuminance, at a point on a given vertical plane, that is received directly from an overcast sky model, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. Usually the 'given vertical plane' is the outside of a window wall. The VSC does not include reflected light, either from the ground or from other buildings.

Annual Probable Sunlight Hours (APSH) / Winter Probable Sunlight Hours (WPSH)

Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) are a measure of sunlight that a given window may expect over a one-year period (1 Jan - 31 Dec), or the winter period (21 Sep - 21 Mar) respectively.

North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will receive sunlight only at certain times of the day. Taking this into account, section 3.2.9 of the BRE Guidelines suggest that windows with an orientation within 90 degrees of due north need not be assessed.

Sun On Ground (SOG)

Assessment of what portion of a garden or amenity space is capable of receiving 2 hours or more of direct sunlight on March 21st.

Sunlight Exposure (SE)

The number of hours of direct sunlight a room can expect to receive on a given date between February 1st and March 21st at a determined point on the windows.

Spatial Daylight Autonomy (SDA)

Spatial Daylight Autonomy assesses whether a space receives sufficient daylight on a working plane during standard operating hours on an annual basis. For compliance, the target value is achieved across 50% of the working plane for half of the occupied period.

No Sky Line (NSL)

The no sky line divides points on the working plane which can and cannot see the sky.

Working plane

Horizontal, vertical or inclined plane in which a visual task lies. Normally the working plane may be taken to be horizontal, 850 mm above the floor in houses and factories, 700 mm above the floor in offices. The plane is offset 300 mm from the room boundaries under BR 209 criteria, and 500 mm from the room boundaries under I.S. EN 17037 criteria.

LKD

Living / Kitchen / Dining room.

BRE Target Value

When assessing the effect a proposed development would have on a neighbouring property, a target value will be applied. This applied target value is generated as per the criteria set out for each study in the BRE Guidelines.

Alternative Target Value

It could be appropriate to use alternative target values when conducting assessment of effect on existing properties. If such instances occur the rationale will be clearly explained and the instances where the alternative target values have been applied will be clearly identified.

Level of BRE Compliance

Each table in the study that has a column identified as "Level of BRE Compliance", identifies how an assessed instance performs in relation to the appropriate target value. If the instance is in compliance with the recommendations as made in the BRE Guidelines the value will be expressed as "BRE Compliant". If the instance does not meet the criteria as set out in the BRE Guidelines a percentage will be expressed to determine the level of compliance with the recommendation. This value determines the definition of effect.

LUX

Lux is a standardised unit of measurement of light level intensity. A measurement of 1 lux is equal to the illumination of a one metre square surface that is one metre away from a single candle.

B.2 Definition of Effects

Section H3 and H4 of the BRE Guidelines states that:

"Adverse impacts occur when there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space. The assessment of impact will depend on a combination of factors, and there is no simple rule of thumb that can be applied."

As such, planning authorities should consider a range of localised factors when making decisions. The terminology suggested in section H6 of the BRE Guidelines is listed below, whilst the assessment of impact should depend on a combination of factors. The BRE Guidelines (section H2) also state:

"Where a new development affects a number of existing buildings or open spaces, the clearest approach is usually to assess the impact on each one separately. It is also clearer to assess skylight and sunlight impacts separately."

Taking this advice, 3DDB have categorised the level of effect on each window/room/open space on an individual basis. In quantifying the levels of effect, 3DDB have assigned numerical values to the levels of compliance with the BRE recommendations. By applying a numerical logic to the terminology used in defining the levels of effect there is no ambiguity regarding how the levels of effect have been categorised within this report.

The list of definitions given below is taken from 'Appendix H: Environmental impact assessment' of the BR 209 with a clear indication of how they have been applied in the context of this report.

Negligible

For the purposes of this Sunlight and Daylight Assessment Report a 'Negligible' level of effect will be stated if the level of effect is within the criteria as recommended in the BRE Guidelines and the applied target value has been achieved.

Minor Adverse

For the purposes of this Sunlight and Daylight Assessment Report, a 'Minor Adverse' level of effect will be stated if the level of effect is marginally outside of the criteria as stated in the BRE Guidelines. Typically a 'Minor Adverse' level of effect will be applied if the level of daylight or sunlight is reduced to equal or greater than 80% and less than 100% of the applied target value.

Moderate Adverse

For the purposes of this Sunlight and Daylight Assessment Report, a 'Moderate Adverse' level of effect will be stated if the level of daylight or sunlight is reduced to equal or greater than 50% and less than 80% of the applied target value. 'Moderate Adverse' levels of effect are quite typical in instances where a proposed development is planned on an under-developed plot of land.

Major Adverse

An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment. For the purposes of this Sunlight and Daylight Assessment Report a 'Major Adverse' level of effect will be stated if the proposed development reduces the availability of daylight or sunlight of a neighbouring property to significantly below a baseline level. A 'Major Adverse' level of effect will be stated if the level of daylight or sunlight is reduced to less than 50% of the applied target value.

Beneficial Impact

In relation to sunlight or daylight access, it is conceivable that a proposed development could yield positive effects on the neighbouring properties. In such circumstances the development would typically involve a reduction to the size or scale of built form (e.g. such as the demolition of a building or the removal of a large belt of evergreen trees, which might result in an increase in light access). Where such improvements occur, a 'Beneficial Impact' will only be stated if the ratio of change is greater than 1.20 (an improvement of 20%). Should less perceptible improvements occur a 'Negligible' level of effect will be stated.

Not Applicable (n.a.)

In instances where a baseline value is particularly low, levels of effects can appear exaggerated. To mitigate such occurrences, if the baseline value in the VSC, APSH/WPSH or SOG studies is below 1%, 3DDB have categorised the level of effect as n.a. (not applicable).

Averaged Windows (-)

If it can be determined or reasonably assumed that multiple windows are servicing the same room, each window will be assessed and a weighted average will be calculated. In such instances the level of effect for the room will be stated, but the level of effect for the individual windows contributing towards the average will be left blank in the table. This will be indicated in the tables with the dash symbol. (-)