

CORRESPONDENCE FORM

File With _____ S. 37

Appeal No: ACP -323120-25

M _____

Please type _____

Please treat correspondence received on 25/08/25 as follows:

1. Update database with new agent for Applicant/Appellant
2. Acknowledge with BB

2. Acknowledge with BP 20

3. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP
2. Keep Envelope

2. Keep Envelope:

3. Keep Copy of Board's letter ☐

Amendments/Comments

Applicant's response to appeals

4. Attach to file

- (a) R/S ☐

- (b) GIS Processing ☐

- (c) Processing ☐

- (d) Screening ☐

- (e) Inspectorate ☐

RETURN TO EO ☐

EO: Laura Grady Lawler
Date: 1/1/12

Date: 04/09/25

Plans Date Stamped

Date Stamped Filled in

AA: Tom Keller

Date: 04/09/2025

File With _____

SECTION 131 FORM

Appeal NO: ACP 323120-25Defer Re O/H ☐Having considered the contents of the submission ~~dated~~ received 25/8/25from Applicant's agent I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): New planning material receivedE.O.: Laura Geady LawlorDate: 04/09/25

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 70 - Section 131 notice enclosing a copy of the attached
submissionto: All partiesTask No: 449442-25Allow 2/3 4 weeks – BP 70Date: 04/09/25EO: Laura Geady LawlorDate: 8/9/25AA: Andrew J

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

AN COIMISIÚN PLEANÁLA
LDG- _____
ACP- _____
25 AUG 2025
Fee: € _____
Time: 16.33 By: hand

Date: 25th August 2025
JSA Job Ref.: 24126

Dear Sir / Madam,

RE: RESPONSE TO THIRD PARTY APPEAL IN RESPECT 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

1.0 INTRODUCTION

We refer to your letter dated the **28th July 2025** attached as Appendix 1 of this correspondence, inviting a response to the third-party appeals lodged in respect of the above application.

On behalf of our client, Ventaway Limited, 13 Saint Stephens Green, Dublin 2, we, John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby submit a response to the third-party appeals lodged in respect of the notification to grant planning permission by Dublin City Council and Managers Order dated the 27th June 2025.

The third-party appeals in question were lodged by:

- City Quay National School Board of Management, City Quay National School, Gloucester Street South, Dublin 2 (Appeal prepared by Declan Brassil and Co.);
- St. Laurence O'Toole Trust and the Administrator of the Parish of the Immaculate Heart of Mary, City Quay, Dublin 2;
- An Taisce, The National Trust for Ireland, 5 Foster Place, Dublin 2.

The applicant welcomes the notification of decision of Dublin City Council to grant planning permission for the proposed development.

Managing Director: P. Turlay Executive Directors: R. Künz | S. Blair | B. Cregan | L. Wymers | K. Kerrigan;
Senior Associate Directors: M. Nolan | B. Coughlan | J. Livingstone Associate Director: T. Devlin;
John Spain Associates Ltd, trading as John Spain Associates

Registered Address: 39 Fitzwilliam Place, Dublin 2 | Directors: P. Turlay | T. Gilligan
CRO No. 396306 | VAT No. IE 6416306U

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At the outset we would like to highlight that in deciding to grant planning permission for the proposed development, Dublin City Council concluded that: *"The proposed development will result in the redevelopment of a massively underutilised vacant site in a prominent location within the city centre. The proposed alterations ensure that the development will not only create valuable commercial space but will also add much needed artistic spaces, while also providing managed space for the adjoining school. The proposed development would not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028, would accord with the proper planning and sustainable development of the area, and it is therefore recommended that planning permission be granted, subject to the following conditions".*

The site is zoned 'Z5 – City Centre' within the Dublin City Council Development Plan 2022-2028 for which the objective is *"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."*

'Office', which is the primary use, is permissible use in this zoning objective. The proposed development will provide for high quality office-led mixed use development, including a co-working space and arts/cultural uses at ground and lower ground floor levels, within close proximity to high quality public transport routes and services.

In this regard it is considered that the proposed development is acceptable and in accordance with the sustainable development and proper planning requirements of the area.

The following is included with this appeal response.

- Appendix 1 - Correspondence Letter from An Bord Pleanála
- Appendix 2 – Appeal response prepared by HJL Architects
- Appendix 3 – Appeal response prepared by CityDesigner
- Appendix 4 – Appeal response prepared by 3DDB
- Appendix 5 – Appeal Response prepared by Cronin Sutton Consulting

2.0 SUMMARY OF THE PROPOSED DEVELOPMENT

The City Quay site is a prominent brownfield location in Dublin's city centre, offering a significant opportunity for high-density development. Situated at the junction of City Quay and Moss Street, the site spans over 0.2 hectares and is bounded to the south by Gloucester Street South. The site's visibility, near the Talbot Memorial Bridge and a key city arrival point, makes it ideal for a taller building that capitalises on its central location and access to public transport. The opportunity is recognised in the Dublin City Development Plan 2022-2028, through the designation of the site within the Strategic Development and Regeneration Area 6 provisions for a 'locally higher building'.

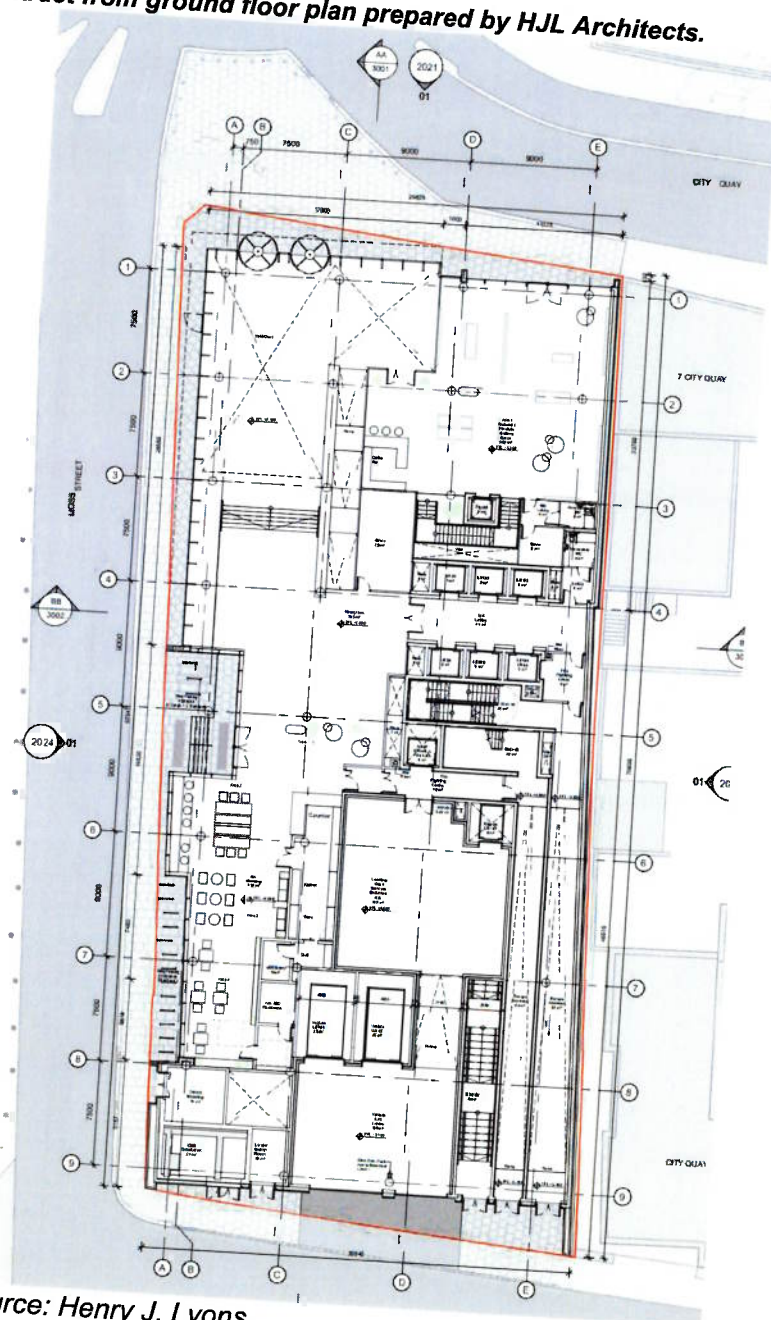
The proposed development includes a 14-storey building over two basement levels. The building will feature office spaces totalling 23,501 sq.m., a co-working space 230 sqm, and arts/cultural spaces occupying 910 sq.m. over two floors at ground and lower ground levels. The main entrance, located at the northwest corner and provide for upgrades to the public realm at this location.

The arts and cultural spaces effectively form 5% of the net office area in the scheme which is in keeping with the Objective CU025 of the City Development Plan. The building's massing steps back from six storeys at the quayside to a 14-storey structure, with terraces at the upper floors to reduce bulk.

The lower basement level offers a limited number of car parking and motorbike parking spaces in accordance with the planning policy and the site's locational attributes as well as the requirements of the proposed development, while the upper basement includes extensive cyclist facilities, including 316 standard bike spaces, to support and promote active travel to and from the development.

The proposed development is to revitalise a central site, providing a mix of arts/cultural spaces and office space. The scheme is further elevated by provision of high-quality public realm works and upgrades which will then tie to the upgrade works related to the City Centre to Ringsend BusConnect Scheme.

Figure 2.1: Extract from ground floor plan prepared by HJL Architects.



Source: Henry J. Lyons.

As per the public notices, the proposed development is described as follows:

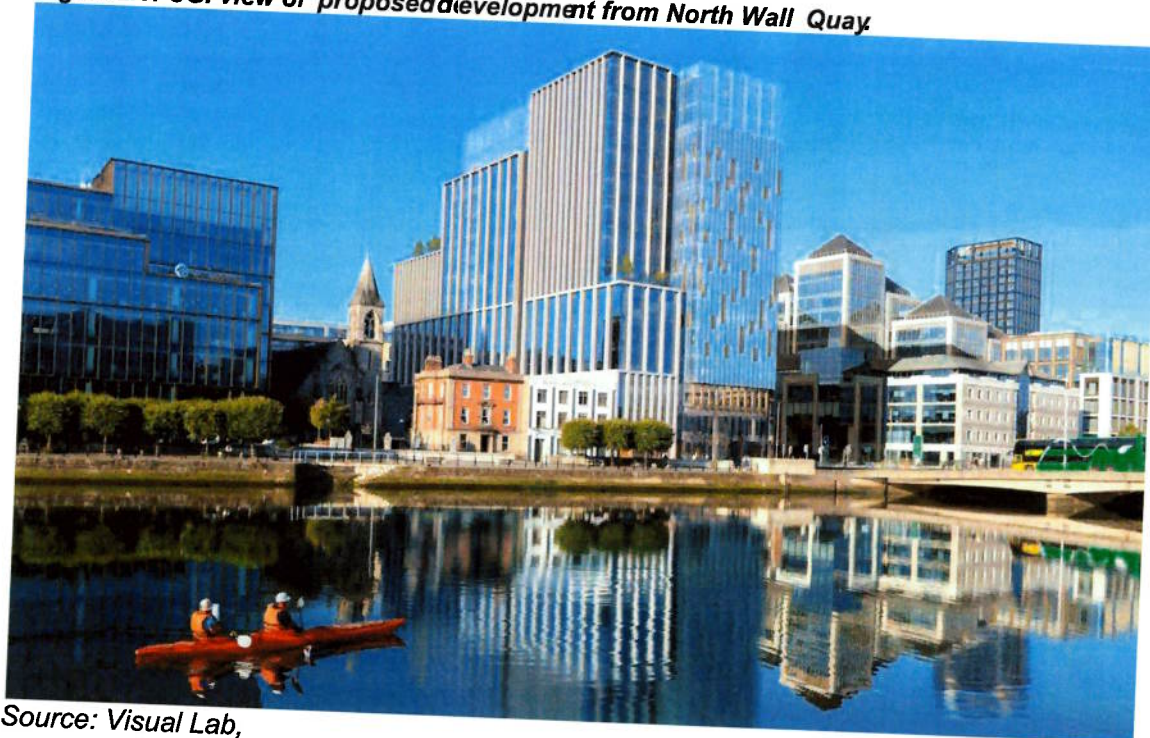
"The proposed development comprises:

- Demolition of the existing buildings and structures (it is noted the structures or part thereof may be demolished in compliance with a Dangerous Buildings Notice prior to a decision being made);*
- Construction of a building up to 14 storeys in height (61.05 metres above ground) over a double basement including office use, arts centre and café, auditorium, and ancillary uses;*
- The arts centre is contained at ground and lower ground floor levels;*
- The offices are proposed from ground to 13th floor (14th storey) with terraces to all elevations;*
- The double basement provides for 11 car parking spaces, 314 bicycle spaces, and 3 motorcycle parking spaces. 16 short stay bicycle spaces are provided at ground floor level along the western site boundary;*
- The overall gross floor area of the development comprises 28,569 sq.m. including 910 sq.m. arts centre and 23,501 sq.m. offices;*

All ancillary and associated works and development including plant, temporary construction works, public realm, landscaping, telecommunications infrastructure, utilities connections and infrastructure.

An Environmental Impact Assessment Report and Natura Impact Statement have been prepared in respect of the proposed development and have been submitted with the planning application".

Figure 2.1: CGI view of proposed development from North Wall Quay



Source: Visual Lab,

We note that DCC requested some changes to the proposed development at FI stage. Please refer to the submitted FI documentation for further details regarding the changes made to the scheme and the additional/updated reports that were submitted. Most notably, a co-working space (230 sqm) was provided at ground floor level along Moss Street to provide additional activation along this street. Also, the glazing on the eastern elevation from third to fifth floor level was replaced with solid stone rainscreen and the quality of the opaque glazing on the other floors was increased to mitigate potential of any undue overlooking impacts onto the adjacent properties. A clarification of further information was requested in relation to one item, the Basement Impact Assessment which was addressed to the satisfaction of Dublin City Council and did not result in any changes to the scheme design.

3.0 DUBLIN'S COUNCIL NOTIFICATION OF DECISION TO GRANT PERMISISON

The planning application was submitted to Dublin City Council on the 19th December 2024 and a decision was made by the Planning Authority on 7th June 2025 to grant planning permission subject to 15 no. conditions. The following condition is of note as it resulted in some revisions to the proposed development:

5. The applicant shall comply with the following conditions:

(a) Prior to the occupation of the office space and in consultation with the Dublin City Arts Office, the Developer/Applicant shall provide details, for the written agreement of the Planning Authority, indicating the proposed use and future management of the arts/culture/community spaces. The community, arts and cultural space shall be fully accessible to the public. Details regarding intended hours of operation and a schedule for opening the space as part of the overall development shall also be submitted for written agreement of the Planning Authority. All works to ensure the community, arts and cultural space is operational shall be undertaken at the Developer's own expense.

(b) The lower ground floor level artist studios shall be used for typologies which are less reliant on natural light such as workspace for creative office professionals/arts administration or music production.

(c) Prior to occupation of the gallery space at ground floor level the applicants shall submit a revised floor plan with a new access arrangement for the multi-purpose space at lower ground floor level, separating it from the gallery space.

(d) The coffee dock in the gallery space shall be omitted.

(e) The gallery space should have no cladding on the wall.

(f) The lighting for the gallery space should be adjustable to allow for alterations subject to what is being displayed.

Reason: In the interest of proper planning, sustainable development and to ensure the timely provision of services

We also note the following condition which relates to the construction management of the development:

6. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:

(a) Prior to commencement of development, and on appointment of a Main Contractor, a Construction Environmental Management Plan (CEMP) having regard to the Environmental Impact Assessment Report shall be submitted to the planning authority for written agreement. This CEMP shall provide detail of the implementation of construction environmental management and mitigation measures and the intended construction practice for the development including a Construction Traffic Management Plan (CTMP), hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

(i) The CTMP shall include a Mobility Management Plan, which shall provide targets and measures to promote and encourage sustainable travel by construction staff.

(ii) The CTMP shall have regard to potential concurrent construction phases of the 'Amiens Street to George's and City Quay' cycle route and the BusConnects 'Ringsend to City Centre' Core Bus Corridor. The applicant should engage with DCC Active Travel Unit and

- the National Transport Authority to ensure that the required construction works do not negatively impact the delivery of these project.
- (iii) No construction access is permitted from Gloucester Street South.
- (b) The applicant shall undertake to implement the measures outlined in the Workplace Travel Plan. A Mobility Manager shall be appointed with responsibility for the implementation of the plan.
- (c) Key/fob access shall be required to staff cycle parking. Cycle parking shall be in situ and ready for use prior to first occupation of the development.
- (d) Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties. 6no. spaces shall be allocated to car-share. All spaces shall be future proofed for electrical charging and electrical charging points shall be installed for 50% of the car parking spaces.
- (e) Prior to commencement of the development, the design, material and programming of public realm works along City Quay, Moss Street and Gloucester Street South adjacent to the site shall be agreed in writing with the planning authority. All materials and works shall be to DCC taken in charge standards and in accordance with the Construction Standards for Roads and Street Works in Dublin City Council. The footpath and kerb dishing adjacent to the site on City Quay and Moss Street shall be removed and the footpath/kerb shall be raised to the requirements of the Area Engineer, Roads Maintenance Department. All works shall be at the applicant's / developer's expenses and shall be completed prior to the occupation of the development.
- (f) Prior to commencement of the development, a map delineating those areas to be taken in charge by the Local Authority shall be submitted to and agreed in writing with the Planning Authority.
- (g) The re-location of the street signage and lighting column shall be agreed with DCC Traffic Advisory Group (TAG) and Lighting Services divisions prior to commencement of development. The new locations shall avoid obstructing required sightlines for the permitted vehicular access. All works shall be at the applicant's / developer's expense.
- (h) The developer shall carry out a Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor for the development. The developer shall submit to the planning authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3, prior to opening of the completed development to traffic.
- (i) Prior to commencement of development, a plan illustrating the layout and line markings of the basement level car park shall be agreed in writing with the Planning Authority.
- (j) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- Reason: In the interest of proper planning and sustainable development.

4.0 GROUNDS AND RESPONSE TO APPEAL

The third-party appeals outline the following grounds which will be addressed in this appeal response:

St. Laurence O'Toole Trust (Appeal prepared by Declan Brassil & Co)

- Development height and plot ratio far exceed guidelines. Queries plot ratio stated in application.
- Abrupt transition in scale from protected structure.
- Daylight and sunlight assessment shows significant losses to school, church, and residential buildings.
- Outdoor spaces technically meet BRE criteria but suffer seasonal overshadowing.

City Quay National School

- Non-compliance with Z5 zoning objective.
- Overdevelopment of site.
- Fails to provide appropriate transition in scale to the adjacent school.
- The site is not designated for a landmark building, and the proposals do not meet the criteria in the Development Plan for such heights.
- Daylight and sunlight assessment shows significant impacts to classrooms and the schoolyard.
- No planning gain or community benefit provided. Notes brief discussions with the developer, however, notes that the making available of a portion of the floorspace for their use in no way mitigates the negative impacts.
- Vehicular access adjacent to school entrance poses safety risks.
- Concerns over noise, dust, and disruption from construction activities.
- Construction management plan is vague, and those required by condition would not be available to the school.
- Ten-year planning permission is excessive and unjustified.
- School expansion plans may be hindered by proposed development.

An Taisce

- Damaging impact on setting of architectural set-piece, the Custom House.
- Overshadowing and overlooking of City Quay National School, City Quay Church and Presbytery.
- Excessive height.
- Inappropriate design.
- Non-compliance with George's Quay Local Area Plan.
- References observation from Office of Public Works.
- Supreme Court Judgement re. Conliffe College.

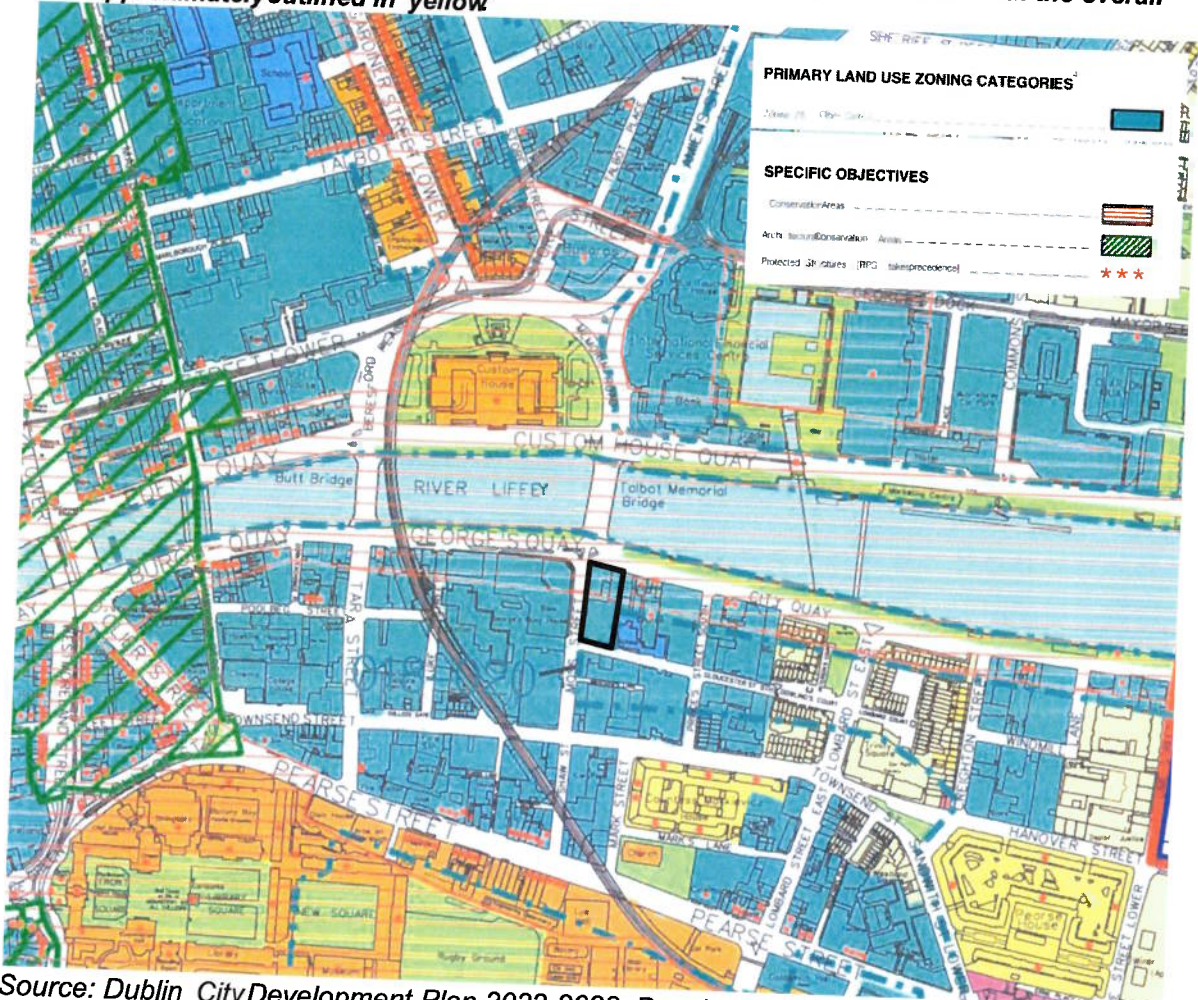
Zoning/ Development Principle

The third party appellants contend that the proposed development does not provide for an appropriate mix of uses and is therefore contrary to the zoning objective of the Dublin City Development Plan 2022-2028.

Under the current CDP, the subject site is zoned "Z5 – City Centre" with an objective "To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity". The Z5 zoning objective is to promote mixed-use in central locations in order to deliver sustainable patterns of development in line with the principles of the 15-minute city i.e. higher density development

close to existing public transport hubs and services, and recognise the exceptional position of City Quay and the need for its regeneration.

Figure 4.1: Zoning Extract from the Dublin City Development Plan 2022-2028 with the overall site approximately outlined in yellow



Source: Dublin City Development Plan 2022-2028, Development Plan Mapset E.

The following uses are 'Permissible Uses' under the Z5 zoning objective:

Amusement/leisure complex, beauty/ grooming services, bed and breakfast, buildings for the health, safety and welfare of the public, café/tearoom, childcare facility, civic offices, community facility, conference centre, craft centre/ craft shop, creative, artistic, recreational building and uses, cultural/recreational building and uses, **cultural**, delicatessen, education, embassy office, enterprise centre, financial institution, funeral home, guesthouse, home-based economic activity, hostel (tourist), hotel, industry (light), internet café/call centre, live-work units, media-associated uses, medical and related consultants, mobility hub, nightclub, **office**, off-licence, off-licence (part), open space, place of public worship, primary health care centre, public house, public service installation, recycling facility, residential, restaurant, science and technology-based industry, shop (district), shop (local), shop (major comparison), shop (neighbourhood), sports facility and recreational uses, student accommodation, take-away, training centre, veterinary surgery, warehousing (retail/non-food)/retail park.

As highlighted above, the proposed uses, consisting of office use, arts and cultural spaces, and co-working space is permitted in principle under Z5 zoning and therefore, the proposal is consistent with the pertinent zoning objective. The Planner's Report of Dublin City Council concurred with this assessment, stating:

"The Applicant has proposed to accommodate a mix of uses within the overall scheme, including office, cultural and recreational within the overall scheme. This is in accordance with the Z5 zoning."

The Development Plan states the following:

"The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation."

Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses, e.g. retail, commercial, residential, will be desirable throughout the area and active, vibrant ground floor uses promoted. On Category 1 retail streets, retail should be the predominant ground floor use".

In line with the Development Plan's vision for Z5 zoned lands, which highlights the importance of central urban sites, the proposal provides for a mix of uses that respond both to the site's strategic location and past history as an arts centre. It should also be noted the surrounding area in the Docklands currently provides for a wide range of uses.

The subject site falls within Strategic Development Regeneration Area (SDRA) 6 – Docklands, which aims to provide for compact growth within Dublin with a focus on encouraging economic development.

As outlined in the Chapter 13 of the Development Plan, SDRA 6 "extends to circa 520 hectares and has significant potential for further regeneration with a number of key development sites throughout the area. These sites can make a valuable contribution to the future physical and social regeneration of this part of the city, consolidating the area as a vibrant economic, residential, cultural and amenity quarter of the city, whilst simultaneously nurturing sustainable well-integrated neighbourhoods and communities".

The proposal provides for a comprehensive re-development of the site in line with the SDRA guiding principles. The proposed uses, and quantum of the same, responds appropriately to the area's urban context within the Docklands area and the potential of the site to contribute positively to the surrounding urban fabric, reinforcing the goals of compact growth and Dublin's economic development.

The following policy from the CDP is of particular relevant to the proposed development:

"Policy CEE1 Dublin's Role as the National Economic Engine

- (i) To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator.*
- (ii) To promote and facilitate Dublin as a creative and innovative city that is globally competitive, internationally linked, attractive and open.*

- (iii) *To promote an internationalisation strategy building mutually-beneficial economic and other links with key cities globally to encourage investment and tourism in Dublin”.*

The subject site has been designated for regeneration to encourage redevelopment and to boost the city's appeal through public and private investment. The proposed development provides for a high-quality, office-led mixed-use building. By primarily offering office space, the development will significantly expand employment and investment in Dublin in line with the policy set out above.

George's Quay Local Area Plan

The appellants have raised concerns regarding the proposed building height, including non-compliance with the George's Quay Local Area Plan (LAP) 2012 (extended to July 2022), transition in scale between adjacent properties, and that the site is not designated as an area for a landmark building.

It is noted that George's Quay LAP 2012 previously provided guidance in relation to building height on the subject site, however, we note that the LAP expired in July 2022. In circumstances where that plan expired, the appropriate development management criteria are found in the current development plan, being the Dublin City Development Plan 2022 – 2028. The LAP having long since expired, it cannot be lawfully taken into consideration by the Commission in its consideration and determination of the subject appeal. In order to protect the integrity of the decision making process, we submit that the Commission is required to exclude the application of the LAP.

Building Height

The government published the Urban Development and Building Height Guidelines in 2018, which were issued under Section 28 of the Planning and Development Act. These Guidelines establish a presumption in favour of increased building height, particularly in city core areas and locations that benefit from high-quality public transport, such as the subject site.

The Guidelines state under SPPR 1 that local authorities must not apply blanket height caps and must identify areas where increased height will be supported to meet national compact growth objectives. They also encourage flexibility in local plan implementation to support regeneration of brownfield and underutilised urban sites:

'In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

The City Quay site is expressly identified for the provision of a 'locally higher building' within the Dublin City Development Plan 2022-2028 and therefore represents plan led increased height and density which accords with the spirit of SPPR1. The principle of increased height and density is therefore established in the planning framework, and this is a forefront consideration when assessing the concerns raised by the appellants with respect to height and density.

The site is located approximately 200 metres from Tara Street DART Station, one of the busiest public transport nodes in the city, and within walking distance of the future MetroLink interchange at Tara Street. This is the only planned Metro-DART interchange in the city centre (See Figure 4. 2 below). Therefore, the site aligns with the national planning objective to focus higher-density and taller buildings within existing urban footprints and adjacent to public transport infrastructure, supporting compact, sustainable growth as directed by the National Planning Framework (NPF).

[illegible]

A core objective of the NPF (Revised Draft 2025) is to increase urban consolidation through urban regeneration and increased densities particularly adjacent to public transport corridors and public transport interchanges, utilising brownfield sites which are underutilised and capable of sustaining a greater intensity of development.

National Policy Objective 22 aims to: *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.”.*

The Dublin City Development Plan 2022-2028 includes Appendix 3 in Volume 2, titled *Achieving Sustainable Compact Growth*. Importantly, the appendix highlights areas where increased height and density are appropriate, such as the city centre, regeneration areas and areas proximate high quality public transport, all of which apply to the subject site, before considering the specific designation as previously set out.

Appendix 3 includes a number of Tables for assessing proposals of enhanced height and scale (over the surrounding context). Table 3 is the applicable table in most of such circumstances, with Table 4 being applicable to 'landmark' buildings. In this case, the proposal does not constitute a landmark building and is subject to assessment against Table 3. The appellants refer to non compliance with Table 4 however it is simply not applicable.

A document titled *Compliance with Appendix 3, Dublin City Development Plan*, accompanied the application, addressing all of the relevant criteria.

It is also critical to note that the Planner's Report expressly concludes that, "*as a whole, the applicants have justified the height proposed in this location, under the requirements of Appendix 3, Table 3*" of the Development Plan. As such, it is considered the proposed development complies with the performance-based criteria set out in the Development Plan and the proposed building height is acceptable having regard to the site and surrounding context.

Overdevelopment

Each of the third-party appeals expressed concerns regarding the quantum of development on site. One of the appellants noted that the plot ratio exceeds the indicative plot ratio range set out in the Dublin City Development Plan 2022-2028, and queried the accuracy of the stated plot ratio, claiming that it should be calculated as 13 and not 11.14 (as stated in the application documents).

The subject site has an area of approximately 0.22 hectares, with a proposed total floor area of 28,569sqm. It is important to clarify that this figure includes the lower ground floor and basement levels. As such, the total floor area of the proposed development above ground level is 24,616 sqm.

As set in Height Stagey, Appendix 3, of the DCC Development Plan 2022-2028, plot ratio calculations exclude lower ground floor and basement levels. Therefore, when calculating the plot ratio based solely on the above-ground floor area (24,616sqm) and the site area (2,211sqm), the resulting plot ratio is 11.14, as correctly stated in the application documents.

While this figure exceeds the indicative 'Central Area' range of 2.5-3.0, Appendix 3 of the the Development Plan acknowledges that higher plot ratios may be acceptable in specific circumstances, as follows:

- *Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.*
- *To facilitate comprehensive re-development in areas in need of urban renewal.*
- *To maintain existing streetscape profiles.*
- *Where a site already has the benefit of a higher plot ratio.*
- *To facilitate the strategic role of significant institution/employers such as hospitals.*

Firstly, we note that the site has a designation for a locally higher building in the Development Plan and therefore an exceedance of an 'indicative' plot ratio range is expected. Secondly, we note that the subject site consists of a significantly underutilised site

located in a city centre location within close proximity to key public transport corridors. We also note that the subject site is located within an SDRA 6 – Docklands and therefore is considered to be an area identified for urban renewal under the Dublin City Development Plan 2022-2028. As set out in the Planner's Report *"The proposed development will result in the redevelopment of a massively underutilised vacant site in a prominent location within the city centre"*.

Having regard to the foregoing, it is considered that subject site is capable of achieving a higher plot ratio and that the proposed development provides for an appropriate quantum of development having regard to the national policies with support higher densities and highly accessible locations.

Architectural Design

An Taisce have raised some concerns regard the design of the development and the appropriateness of the design having regard to the surrounding context.

HJL's have provided a detailed architectural design response in the submitted Architect Design Statement which was submitted with the planning application. This document sets out the architectural design with regards to; Strategy, Form & Mass, Composition and Proportion. Please refer to this document for further details regarding the design response of the proposed development with regards to the surrounding sit context. It is submitted that the proposed development provides for a high quality contemporary building which greatly enhances the site and it's urban setting at the corner of the city block fronting on City Quay and Moss Street.

HJL's have also prepared an appeal response document which is enclosed with this cover letter.

In relation to the scale of the proposed development the HJL's appeal response sets out that:

"The applicant submits that the scale and composition of the building respond directly to the site's context on the corner of the established city block.

The result is a harmonious building composition which can be justified simply as follows:

- *Conceptual form represented by a simple diagram*
- *Derived from the rectangular shape of the site*
- *Building proportion derived from the width and plot*
- *Tallet corner element address the corner road junction*
- *Ground Level scale addressed by a plinth element"*.

Please refer to the HJL's for further details regarding overlooking and community benefit of the scheme.

Impact on Protected Structures

The appellants have raised concerns, notably by An Taisce, regarding the potential impact of the proposed development on the Custom House, a protected structure. These issues relate to the scale, height, and massing of the proposed development, potential overshadowing of the Custom House's riverfront elevation, and the alleged lack of adequate consideration of the impact on Custom House in the submitted Daylight and Sunlight assessment.

It should be highlighted that a series of specialist reports were submitted as part of the planning application, providing a comprehensive and evidence-based assessment of the proposal's impact on the surrounding heritage context, including the Custom House.

The Sunlight and Daylight Assessment by 3DDB submitted with the planning application includes a detailed shadow analysis, throughout the day on March 21st, June 21st and December 21st. As is shown on pages 79-87, the existing shadow environment is only increased in relation to the Custom House grounds between 13:00-14:00 on December 21st modelling. There is no change to the shadow environment relative to the Custom House grounds across the remainder of the hours and days assessed in the comprehensive assessment. Such an increase is marginal and unlikely to be perceived, particularly in winter.

A Heritage Landscape/Townscape Visual Impact Assessment, prepared by Citydesigner and included in Volume 3 of the EIAR, examines the historic setting of the Custom House in detail. The assessment draws upon historical mapping, photographic evidence, and contextual analysis of views from key locations. It concludes that while the proposed development introduces a contemporary design and form, it does so in a manner that is visually respectful of the Custom House and does not compromise its primacy or architectural significance when viewed from key vantage points along the Liffey or in the wider urban setting.

Citydesigner have prepared an appeal response in relation to the impact on the Custom House and the adjacent protected structures which is enclosed with this cover letter. The response sets out that:

"The quality of the design, the height and its location in relationship with surrounding heritage assets is assessed against relevant policies in chapter 6.0 (see paragraphs 6A.1-6A.12), chapter 8.0 (see paragraphs 8A.1-8A-5), and chapter 9.0 (see paragraphs 9A.1-9A.3). It is concluded that the proposals comply with the guidance".

Notably, the response sets out the following in relation to the assessment of the proposed development on the Custom House:

"The impact of the proposed development on Custom House is assessed in the HTLVIA at chapter 6.0 (see paragraphs 6.5.1 which identifies the current setting and 6.5.5 which describes the effect of the development on Gardiner Street views), chapter 8.0 (see paragraph 8.23 which analyses the effects of the development on the character area which forms its setting and concludes a positive effect), chapter 9.0 (see paragraph 9.39 which analyses the effect of the development on the protected structure's significance. It finds no adverse effect.), and chapter 10.0 which illustrates with rendered accurate verified views how the proposed development marks an important transition within the city with a design of high quality which complements the Custom House without causing harm".

Please refer views 5 and 21-24 shown in Appendix 1 of the appeal response prepared by CityDesigner which shows the proposed development in the context of the Custom House.

In light of the above, and based on the extensive assessments provided, we respectfully submit that the proposed development will not give rise to any undue adverse impacts on the setting, character, or architectural significance of the Custom House or the broader historic environment.

It is noted that the An Taisce appeal further makes reference to a specific Supreme Court judgement, which is addressed later.

Submission by OPW

The An Taisce submission relies in substantial part on a submission made by the Office of Public Works ("OPW") to the planning authority at first instance on 28 January 2025. However, notwithstanding having made that submission, following the grant of permission by the planning authority on 27 June 2025 the OPW did not elect to appeal to the Commission. The accompanying appeal response prepared by Citydesigner also responds to the points in the OPW submission.

Daylight Sunlight Assessment

One of the appellants have submitted their own daylight and sunlight assessment prepared by Solearth. The report concludes that:

"The proposed scheme has a significant negative impact on the buildings and external spaces of the St Laurence O Toole Diocesan Toole Trust site both under their current and, more so for a of them (school and 7-8 City Qy), under any future potential development scenarios.

The majority of classrooms of City Qy National School suffer reductions in their daylight availability as do their windows.

The majority of the south facing rear windows of nos. 7-8 City Qy, a building with development potential including for residential uses, suffer losses to their daylight and sunlight.

All windows of the Immaculate Heart of Mary church suffer losses in their daylight.

The school yard of City Quay National School suffers overshadowing during the afternoons."

At the outset, we note that the planner's report highlights that the Daylight and Sunlight Assessment submitted by 3D Design Bureau carefully considered the impact of the development on neighbouring properties using established metrics:

- Vertical Sky Component (VSC) to assess daily impact,
- Annual and Winter Probable Sunlight Hours (APSH/WPSH) for sunlight impact,
- Sun On Ground (SOG) for external spaces.

The properties evaluated of City Quay National School, 9 City Quay Presbytery and the surrounding apartments.

The submitted Daylight and Sunlight Assessment prepared by 3DDB notes that:

- The daylight and sunlight effects on all residential properties are classified as negligible to minor adverse.
- The most affected windows are already constrained or positioned at high levels.
- The level of impact is consistent with what is expected for urban regeneration within a city-centre context.
- Existing amenity spaces already experience poor baseline sunlight, with the proposed development causing negligible further impact.

The Planner's Report set out that *"On balance, taking into account, the scale of the proposed building and the impacts on the surrounding receiving urban environment, it would appear that, cumulatively, the scheme is likely to have an impact on neighbouring property. In many cases, a proposed building will have a moderate impact, yet a VSC in excess of 9% is maintained. It is also noted that the impact on existing amenity spaces are considered negligible based on the changes to the existing baseline, which is poor"*.

3DDB have prepared a response to the concerns raised by the appellants in relation to daylight and sunlight impacts, which accompanies this submission. In conclusion they state:

"This report has provided a detailed technical review of the daylight and sunlight assessment prepared by Solearth, which formed the basis of the appeals against the grant of planning permission for the subject application (DCC Reg. Ref. WEB2729/24). A comparative analysis of the Solearth report and the original 3D Design Bureau (3DDB) report submitted with the planning application has been undertaken for each of the properties addressed in the Solearth report.

The review confirms that where the assessments are comparable, the findings of both reports are broadly consistent. In the Vertical Sky Component (VSC) assessments for City Quay National School and 7 to 8 City Quay, and the Sun on Ground (SOG) assessment for the Presbytery Garden, the Solearth report does not present any new, significant quantitative information that would challenge the basis of the planning authority's decision. In the case of the school, the original 3DDB report presented a more conservative, greater level of impact, confirming that the authority was fully informed.

However, where the Solearth report diverges, it is undermined by a series of significant and demonstrable flaws in its methodology, analytical modelling, and presentation of data. These flaws include:

- *Fundamentally Flawed 3D Models: The overshadowing model for the schoolyard contains critical errors, including an incorrect ground plane and the omission of an existing building, rendering its qualitative shadow study unreliable.*
- *Use of Inappropriate Metrics: The use of Daylight Factor (DF) and Spatial Daylight Autonomy (SDA) to assess impact on the school is contrary to the recommendations of the BRE Guidelines. Furthermore, a correct analysis of Solearth's own data using established BRE principles shows the impact to be within an acceptable range.*
- *Inconsistent Baseline Calculations: The conflicting conclusions on BRE compliance for 7 to 8 City Quay stem directly from a major divergence in the baseline APSH assessment. The Solearth report's baseline figures are notably low, especially given identifiable factors in their model, such as the omission of existing context buildings and the use of a more favourable orientation. This difference in the baseline value is the primary driver of the conflicting findings.*
- *Incomplete and Misleading Analysis: The assessment of the Immaculate Heart of Mary Church is based on an incomplete window count, omitting those which light the altar, and its conclusion misleadingly implies all windows are affected. It also fails to contextualise the impact against the more severe and permitted precedent of the adjacent Grant Thornton Building.*

In summary, the Solearth report fails to provide any credible, robust, or accurate evidence to suggest that the original daylight and sunlight assessment was deficient. Its conclusions are based on flawed models, the use of inappropriate metrics, and an incomplete analysis.

Therefore, it can be definitively stated that the planning authority was provided with sufficient and accurate information by 3DDB to make an informed and balanced decision. The appeals

present no new, valid technical grounds to challenge that decision on the grounds of daylight and sunlight impacts."

Having regard to the above, it is considered that the proposals are acceptable with regards to impact on daylight and sunlight.

Construction and Traffic Impacts

One of the third party appellants, the City Quay National School, has raised concerns regarding the construction management plan of the proposed development and concerns over noise, dust, and disruption from construction activities. It is considered that these issues should not form as a basis for objecting to a planning permission.

The planning process cannot anticipate every conceivable mishap which might occur during the construction, and a grant of permission would not relieve a developer of their common law duty to avoid damage to other properties. It is considered, therefore, that this issue should not justify a refusal of permission.

It should be noted that condition 6 of DCC's notification to grant planning permission will ensure that a detailed construction management plan will be drafted and agreed with DCC prior to the commencement of development on site. We also note that part (a)(iii) of this condition sets out that *"No construction access is permitted from Gloucester Street South"*. This will ensure that the construction traffic will not conflict with any drop-off/collections at the City Quay National School which is located along Gloucester Street South.

The applicant is agreeable to a similar condition should the Commission be minded to grant permission.

The accompanying appeal response from Cronin Sutton provides further commentary with respect to construction and operational phase traffic concerns raised in the appeals.

References to Case Law

Preliminary Observation

In various places, the appeal from An Taisce makes specific submissions about the application of the previous Dublin City Development Plan 2016-2022, but without recognising that it is the old plan that is being relied upon. For example, paragraph 2 on page 6 of the An Taisce appeal submission, which notes that the Supreme Court, in the case of *Sherwin v An Bord Pleanála* [2024] IESC 13 at paragraph 64, *"cites the provisions of section 11.1.5.3 of the Dublin City Development Plan"*. In the same context, in the last paragraph on the same page 6, An Taisce asserts that the planning authority has *"...failed to consider the height strategy of the Development Plan and the provisions of the Plan in relation to the curtilage and setting of Protected Structures in section 11.1.5.3 of the plan."*

We note that the current Dublin City Development Plan 2022 – 2028 does not contain a section 11.1.5.3 in its written statement. Rather, An Taisce has erroneously sought to conflate the findings of the *Sherwin* judgment with the current proposal. Chapter 11 under the previous 2016-2022 development plan was entitled *"Built Heritage and Culture"*. However, the current 2022- 2028 development plan includes Chapter 11 entitled *"Built Heritage and Archeology"*. Although the current chapter 11 has a similar focus in respect of built heritage, and similar content in places, in fact it contains updated policies and objectives for consideration. For example, policy CHC2 which was the focus of a substantial

aspect of the *Sherwin* judgment that An Taisce relies on (at point 7, discussed later in this response), does not appear in the current development plan.

Insofar as An Taisce seeks to conflate the *Sherwin* judgment content (which was dealing with a planning decision made under the old development plan) with the City Quay development in the subject appeal, the *Sherwin* judgment does not have cross-application in the manner suggested in the An Taisce appeal submission. Clearly, it would not be correct to accept An Taisce's submissions relating to the content of the *old* development plan that expired in 2022.

Supreme Court Judgement re Clonliffe College

The appellant seeks to rely upon the judgment of the Supreme Court in the matter of **Fionula Sherwin v An Bord Pleanála [2024] IESC 13**, delivered on 11 April 2024. Insofar as the appeal appears to make quasi-legal submissions under this issue heading, we submit that the Commission is well placed to obtain any legal advice that it might deem necessary, on foot of the content of the attempt to make a legal submission.

That said, it appears that An Taisce's reliance on the *Sherwin* judgment is somewhat broadbrush in nature, in that no specific point(s) are identified from within the 63-page judgment that the appellant appended to its appeal submission. In particular, no specific paragraph(s) is identified for the Commission to consider. Rather, the appellant's submission is notably uncertain. It appears to invite the Commission to cross-apply the Supreme Court's criticisms made of the then-Board decision and inspector's report in the Clonliffe case, invites the Commission to make a similar finding in this appeal, by reference to how Dublin City Council decided this at first instance.

In sum, the *Sherwin* judgment does not have the significance for this appeal that An Taisce has asserted. In this regard, we note that the An Taisce submission concludes with similar uncertainty, saying only that "[A]ny upholding of the Council's decision could raise potential legal issues" (our emphasis), which amounts to a threat of potential legal action following any potential grant of permission.

The Commission may assess the proposal *de novo* and is not limited to upholding of the Council decision, or not, and will be well aware of their functions and obligations under Section 37 of the Planning Acts.

Turning to the substance of this last issue heading raised in the An Taisce appeal, the appellant has noted that the Supreme Court decided the *Sherwin* appeal by reference to three issue headings:

- The submission discounts the first issue heading as "*not relevant to the City Quay application*";
- It identifies "the second [issue heading] on *Material Contravention of the Development Plan*", and
- "the third [issue heading] on *Duty to Give Reasons*"

and the appellant submits that these second and third headings "*are in substantial part relevant to the City Quay application*".

The submission then fairly makes the following point:

"In summary, the context and issues raised by the City Quay Application are significantly different to that of Clonliffe College. The protected structure affected by the current

development is neither within or contiguous to the red line of the application site but on the opposite side of the River Liffey."

We submit that the above statement is correct, and that it is crucially important to the balance of the An Taisce submission. The appellant's admission of the significant difference in both *"the context and the issues raised"* usefully serves to underscore our client's response, which is that the Sherwin judgment is highly fact-specific, dealing with the precise facts of that particular case in the very different context of a very substantially different proposed development on the grounds of Clonliffe college, involving several protected structures and an adjacent building.

The proposed development at City Quay does not entail works on any protected structure and there is none on site. The Custom House – whilst the subject of comprehensive assessment in the documentation submitted with the planning application – is located across the river Liffey, physically separated and clearly demarcated by its wide expanse.

Additionally, there is a substantial difference between the proposed Clonliffe development under the old development plan, and the entirely more positive, permissive height strategy at the City Quay location (which is dealt with earlier in this response). In the case of Clonliffe, the court was dealing with a decision where the application for a height very substantially higher than the 2016-2022 Development Plan Height Strategy allowed for on the lands. In contrast, the City Quay proposal is aligned with current development plan height strategy. In this regard, we note also that the OPW submission which the appellant relies on, correctly acknowledges (at section 2.2 on page 3 of the OPW submission) *"that the site allocation map 'for SDRA 6 Docklands' in Figure 13-9 of the Development Plan identifies the subject site for a locally higher building"*. We note that the An Taisce submission does not fairly identify the permissive nature of the development environment at this subject site, rather references the expired LAP.

In this regard, much of the analysis of the specific facts in the Sherwin judgment is based on a decision made in a very significantly differentiated planning context. We submit that the Sherwin judgment, whilst relevant in high level terms not only to this but to all applications where protected structures are required to be taken into consideration in the planning assessment, simply does not have direct cross-application here, in a like manner, which is the effect of the submission made by An Taisce.

We submit this much is apparent from the detailed analysis undertaken by the Supreme Court of the second issue heading. At paragraphs 106 – 111 of Sherwin judgment, the court makes key findings which serve to differentiate the Clonliffe case from the City Quay site of this appeal. Thereafter, the judgment deals with what are otherwise the identification of well established legal principles concerning material contravention of development plans generally and then later, in its findings, a legal critique of the manner in which the Inspector considered the relevant policy and objective of the old development plan, largely concerning objective CHC2 (which is not present in the current plan).

It is submitted that the current development plan has been revised such that it takes an evolved view, whilst maintaining overall consistency in the approach to date in respect of protected structures. We submit that any impact of the development on Custom House is a matter for the expert assessment of the Commission and its Inspector, and no material contravention arises.

This is confirmed in the view of Dublin City Council in their Planner's Report conclusion recommending a grant of permission:

"The proposed development would not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028, would accord with the proper planning and sustainable development of the area, and it is therefore recommended that planning permission be granted, subject to the following conditions."

To demonstrate this distinction between the proposed development at Clonliffe College and the very different proposal here at City Quay, we set out the relevant paragraphs 106 – 111 below, and we insert our commentary after certain paragraphs in order to distinguish that judgment from the circumstances of City Quay in this appeal.

In particular, we draw attention the Commission's attention to the case-specific elements which subtend the court's analysis and consideration of the legal issues in the appeal then before it:

"106. I turn next to the application of the above principles to the facts of the present case. The starting point for me, as per the previous paragraph, is the nature of the determination (if any) made by the Board as to whether or not the proposed development, as a matter of law and fact, would materially contravene policy CHC2 as set out in the development plan. It seems to me that the details of this planning application, and the materials before the Inspector and the Board, clearly required a focus by the Board on policy CHC2. A very significant and unusual detail of the proposed development was the proposal to construct Block D1, at a height way above the height restrictions in the development plan, and to do so in close proximity to a number of protected structures."

Comment: The proposed development that had been permitted at Clonliffe was very different from the proposal for development at City Quay. As has previously been stated, there is specific provision in the current development plan for a locally higher building on this subject site.

"107. As set out at para. 69 above, the C.O.'s [conservation officer] report referred to policy CHC2, and the assessment and conclusion focused on the proposed height and scale of Block D1, although not expressly alleging a material contravention of the development plan in terms. In any event, the Inspector was clearly aware of policy CHC2, as one might expect, as she listed it as one of the relevant policies of the development plan noted by her and she quoted it almost in full (at p. 24).

108. In the circumstances it was incumbent on the Inspector to make a determination as to whether or not the proposed development, as a matter of law and fact, would materially contravene policy CHC2 and in particular para. (d) of that policy. The required determination was whether the proposed development would cause harm to the curtilage of a protected structure, and more specifically whether the design, form, scale, height, proportions, siting and materials of the new development would "relate to and complement" the special character of the protected structure."

Comment: The key issue here is the application of CHC2, and whether the Inspector in that case did in fact consider and apply it properly in light of the Conservation Officer's comments. As stated, objective CHC2 arose under the old development plan 2016-2022. It is not present in these terms in the current development plan 2022-2028 and therefore no cross-application arises to City Quay.

"109. It seems to me that the first step in making the required determination was for the Inspector to consider the text of para. (d) of policy CHC2 and to interpret that text to some degree, in terms of what she understood it to mean. In many cases the interpretation of such a provision may be clear and even self-evident, but in other cases there may be some lack

of clarity requiring some level of engagement with the text. In the present case, on one view the provision could be seen as relatively prescriptive and clear. While the first part of para. (d) is more general, i.e. the development will not cause harm to the curtilage of the structure, the second part specifies how this is to be assessed. It provides that seven stated factual matters, including the scale and height of the proposed development, should "relate to and complement the special character of the protected structure."

110. Again, on one view that test might be thought, in its ordinary meaning as it would be understood by members of the public, to be relatively clear and specific; i.e. do things like the scale and height of the proposed development relate in a complementary manner to the special character of the protected structures, as that special character is described in the planning application documents? However, on another view, that test might be thought to involve at least some aesthetic judgment by the decision-maker. The point, it seems to me, is that it was necessary for the Inspector to give some indication as to her understanding of what the test meant, before she moved on to her application of that test, as so interpreted, to the facts of this planning application."

Comment: The latter sentence, underlined, is no more than an identification of what the Inspector was required to do, but had not done in that particular case. We submit there is nothing at all unusual in this application of what is a well understood legal requirement – that an Inspector sets out what is required by a relevant policy/objective before then applying it to the facts of the proposed development under consideration. This is an ordinary step in the evaluation process which the Commission and its inspectors routinely apply in every appeal before it. That it is recorded in Sherwin, is simply a reflection of an issue in the assessment of that specific case. Sherwin does not identify any new step that was not (and is not) already known to the Commission and its Inspectorate.

"111. I would add that this approach does not impose an obligation to engage in a mechanical or legalistic analysis when considering each and every allegation of contravention of the development plan. It does, however, require some level of engagement with the relevant provision where that provision is of fundamental importance in the context of the particular planning application, and where the interpretation and application of that provision is not clear. This requirement does not seek to impose, and in my opinion does not impose, too onerous a burden on the Inspector, who it is acknowledged will not normally be legally qualified, given the principle of interpretation as set out at para. 96 above, i.e., that a development plan falls to be construed in its ordinary meaning as it would be understood by members of the public without legal training, as well as by developers and their agents, unless the document, read as a whole, necessarily indicates some other meaning."

Comment: Again, as stated in the preceding comment, this is a statement of what is required of an Inspector when considering an allegation of material contravention of a development plan objective.

We note that notwithstanding having identified these general headings for what are, in reality, strictly legal argument between the parties to that case, An Taisce has not in fact relied on any specific legal or factual finding of the Supreme Court that it might have said ought to be readily applied. The appeal submission goes into no further than to merely identify these issue headings.

Other Matters

10 Year Permission

One of the appellants contends that a 10-year planning permission is unjustified. However, given the scale of the proposed development, it is considered that a 10-year permission is appropriate to allow for the development to be completed in a timely manner due to its scale and complexity.

We note that DCC issued an amending order to the notification to grant permission which included a condition setting out that permission will be for a period of 10 years:

"15. The duration of the permission hereby granted to implement the proposed development shall be for a period of 10 Years from the date of the final grant of permission."

Reason: To provide a reasonable period for the completion of the proposed development and in the interest of proper planning and sustainable development of the area".

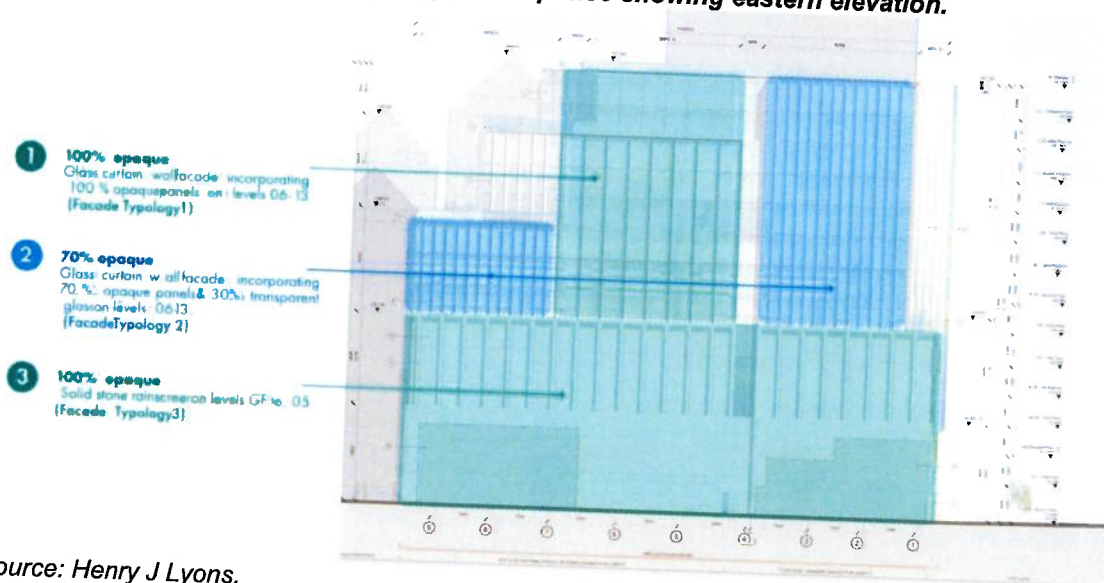
In the event that the Commission is minded to grant planning permission for the proposed development, we would respectfully request that the above condition is included to the permission.

Development Potential of Adjacent Site

The City Quay National School has raised concerns regarding the impacts on the future development potential of their site as a result of the proposed development at 1-6 City Quay.

However, at further information stage the eastern elevation of the proposed development was revised to address concerns raised by DCC regarding the development potential of the adjacent lands to the east of the site. In response to these concerns, the fenestration of the eastern elevation up from the third to fifth floor levels was omitted and replaced with solid stone rainscreen. This will allow for future development on the lands to the east to abut the proposed development up to fifth floor level. See below extract from HJL's appeal response document which is submitted as part of this appeal response

Figure 4.3: Extract from HJL's FI Appeal Response showing eastern elevation.



Source: Henry J Lyons.

High Court judgment in *Ventaway Limited v An Coimisiún Pleanála* [2025] IEHC 406

For completeness, we draw the Commission's attention to a more recent judgment of the High Court in the matter of ***Ventaway Limited v An Coimisiún Pleanála* [2025] IEHC 406¹**, where the court quashed a decision of the Commission to refuse permission for a 24-storey building on this same City Quay site (for failure to give adequate reasons), by reference to the current development plan.

Finally, for clarity, the Commission's attention is drawn to the finding of the High Court at paragraph 71², that "*the board was correct in holding that the site was within the city historic core*". Therefore, any consideration of proposed development, including this one, is required to take this into consideration in the overall assessment.

¹ Available here: https://www.courts.ie/acc/alfresco/8c1bd7b0-383d-41c4-8307-9628508f8222/2025_IEHC_406.pdf/pdf#view=fitH

² following detailed analysis between paragraphs 53-70, and note also paras. 72 and 73.

5.0 CONCLUSION

The proposed development is consistent with national and regional policy which aims to promote compact densities in existing urban areas adjacent to public transport nodes in the city centre.

The site is zoned 'Z5 – City Centre within the Dublin City Council Development Plan 2022-2028 for which the objective is *“To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”*

Office, which is the primary use, is permissible use under the zoning objective for the site. The proposed development will provide for a high quality office-led mixed use development, including a co-working space and arts/cultural uses at ground and lower ground floor levels. Therefore, the proposed development provides for a mix of uses in line with the zoning objective.

The applicant welcomes the notification of decision of Dublin City Council to grant planning permission for the proposed development. In deciding to grant planning permission for the proposed development Dublin City Council concluded that:

“The proposed development will result in the redevelopment of a massively underutilised vacant site in a prominent location within the city centre. The proposed alterations ensure that the development will not only create valuable commercial space but will also add much needed artistic spaces, while also providing managed space for the adjoining school. The proposed development would not materially contravene the policies and objectives of the Dublin City Development Plan 2022-2028, would accord with the proper planning and sustainable development of the area, and it is therefore recommended that planning permission be granted, subject to the following conditions”.

It is respectfully submitted that the applicant has demonstrated that the proposed development is in accordance with the Dublin City Development Plan 2022-2028, including Appendix 3, Table 3, in relation to building high criteria, has regard to the site location and context, will not adversely impact on the character or setting of the surrounding protected structures. Therefore, the proposed development is in accordance with the proper planning and sustainable development of the area.

The proposed development has also been designed to a high standard with respect to the amenity of surrounding properties and demonstrates that the amenity of surrounding properties will not be significantly impacted as a result of the development.

In view of the above, we respectfully request that the Commission uphold the decision of Dublin City Council to grant planning permission for the proposed development as per the plans and particulars submitted with the planning application in this regard.

Yours faithfully,



John Spain Associates

APPENDIX 1

Correspondence from An Coimisiun Pleanála

Our Case Number: ACP-323120-25

Planning Authority Reference Number: WEB2729/24

Your Reference: Ventaway Limited



An
Coimisiún
Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61



Date: 28 July 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,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

As a party to the appeal under section 129 of the Planning and Development Act, 2000, (as amended), you may make submissions or observations in writing to the Commission within **a period of 4 weeks** beginning on the date of this letter.

Any submissions or observations received by the Commission outside of that period shall not be considered and where none have been validly received, the Commission may determine the appeal without further notice to you.

Please note when making a response/submission only to the appeal it may be emailed to appeals@pleanala.ie and there is no fee required.

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

Yours faithfully,


Ian Kelly
Administrative Assistant
Direct Line: 01-8737216

BP05

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Our Case Number: ACP-323120-25

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Your Reference: Ventaway Limited



John Spain Associates
39 Fitzwilliam Place
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Date: 28 July 2025

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Dear Sir / Madam,

Enclosed is a copy of a further two appeals under the Planning and Development Act, 2000, (as amended).

As you are aware, the planning authority's decision in the matter is already the subject of an appeal to the Commission. Under section 129 of the Planning and Development Act, 2000, (as amended), as a party to the appeal you may make submissions or observations in relation to the enclosed appeals in writing to the Commission within 4 weeks beginning on the date of this letter.

Please note when making a response/submission only to the appeal it may be emailed to appeals@pleanala.ie and there is no fee required.

Any submissions or observations received by the Commission outside of that period shall not be considered and where none have been validly received, the Commission may determine the appeal without further notice to you. Please quote the above appeal reference number in any further correspondence.

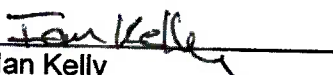
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Yours faithfully,


Ian Kelly
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BP06

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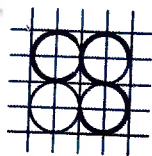
APPENDIX 4

Appeal Response prepared by 3DDB

APPENDIX 5

Appeal Response prepared by Cronin Sutton Consulting

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CS CONSULTING
Civil, Structural & Traffic Engineering

An Bord Pleanála
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Sent By: Email

Job Ref: V101

A - MMcE, CF

Date: 25-Aug-25

RE: Response to Appeal on Planning Reference WEB2729/24

With reference to the above Planning Application, this letter responds to items raised by the City Quay National School relating to the Outline Construction Management Plan, in their appeal letter dated 23rd July 2025.

The items noted in the Appeal letter are summarised below and addressed with the following responses:

Item 8. Relates to Vehicular Access Arrangements in the Construction & Operational Phases

The appeal noted particular concern about the vehicular access arrangement proposed for both the construction and operational phase.

Construction Phase response

Following the Request for Further Information received from Dublin City Council on 18th February 2025, additional information was submitted including a very detailed Outline Construction Management Plan (OCMP) which was developed with the including a very detailed section from a Contractor to address the points raised in

RFI Request 3(d) The applicant is requested to review construction access proposals and provide additional details to demonstrate that impacts to the operation of the adjacent primary school would be avoided.

The updated OCMP outlines that all construction traffic would enter the site and exit the site on Moss Street and that there will be no construction vehicle entrance on Gloucester Street South and therefore adjacent to the school. We would also note that the DCC Planning Grant imposes a condition that there be no construction access on the south end of the site along Gloucester Street South. Please refer to figures below which outlines the construction traffic arrangement proposed, which will need to be complied with in submission of the CMP at construction stage.

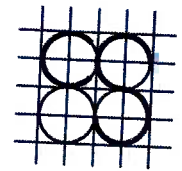
KP & Associates Consulting Engineers Ltd. T/A Cronin & Sutton Consulting
Company No. 505303 | **Registered Office:** 19-22 Dame Street, Dublin 2.
Directors: P. Sutton (Chairman), O. Sullivan (Managing), C. Sutton-Smith, E. Sutton, N. Barrett, C. Barry, M. McEntee, L. McNamee, C. Twomey
Assoc. Director: G. Lindsay | **Associates:** C. Farmer, W. Gleeson, D. Mullins, S. Sose, J. Sutton

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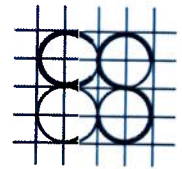


Site cabins move to Moss Street to facilitate piling and excavation works



Gated pull-in area for off-loading deliveries using a tower crane – recent city centre project

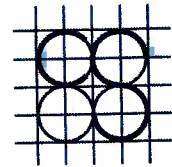
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Route for deliveries to off-loading zone on Moss Street



Pull-in Area for Deliveries – Controlled by Traffic Marshal



Operational Phase response

The appeal letter also refers to the operational phase. The vehicular access for the car lifts to the basement carpark and the access into the loading and service area is on the Gloucester Street South elevation. The design of the building layout regarding access has been designed specifically to mitigate the conflict between our proposed building and the adjacent school, with all deliveries and queuing for car lifts contained within our own site, which results in no parking or set down for our building on Gloucester Street South.

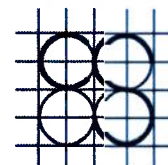
This basement carpark accommodates 9No. carparking spaces and 3No. motorcycles and will not generate excessive traffic at the Gloucester Street entrance. There are 2No. car lifts provided to efficiently accommodate arriving cars and avoid any impact on Gloucester Street South from queuing of vehicles. There is also space outside the vehicle lift for 2No. cars to wait within the curtilage of the building without encroaching on the footpath and causing obstructions to the pedestrians using Gloucester Street South.

The vehicle entrances are central along the south elevation and therefore there is a buffer zone between the school boundary and the vehicle entrance of approximately 8 metres. The entrance is also set back slightly from the red line boundary and the footpath is locally increased in width at the entrances in order to give optimal sight lines for vehicles egressing for the safety of pedestrians and other road users.

Item 9. Relates to Noise, Dust & Vibration generated from Construction Phase activities

It is typical that conditions are imposed within a planning grant and that a final detailed Construction and Environmental Management Plan is produced by the appointed Contractor at Construction Stage. This detailed CEMP will be in line with the OCMP submitted at Planning stage and cannot substantially deviate from this.

As outlined in the OCMP, measures will be put in place to avoid, reduce or mitigate adverse impacts on the surrounding area. Monitoring will be carried out regularly so that data is available to identify and assess the impacts on an ongoing basis. There are standard guidance documents and norms which clearly set out the dust, noise and vibration requirement for an inner city site which will be set out and agreed in the final detailed Construction and Environmental Management Plan by contractor.



Yours sincerely,

Mark McEntee

Director | Chartered Engineer

for Cronin & Sutton Consulting

APPENDIX 2

Appeal Response prepared by HJL Architects

Henry J Lyons

V E N T A W A Y

City Arts
BUILDING



An Coimisiún Pleanála - 1st Party Appeal Submission

Dublin City Council Reg. Ref: WEB2729/24

25.08.2025

An Taisce Appeal Letter - 24th July 2025
(text extracts)

“Damaging Impact on setting of architectural set-piece of the Custom House:

It is considered that the scale and architectural composition of the proposed building would need to be thoroughly revised using a lower plot ratio and site coverage. The aim should be to form a more elegant and harmonious arrangement of parts within the given space, avoiding the heavy-set ‘monolithic block’ form of the proposal as existing, and avoiding overbearance on the adjoining National School, protected Presbytery and City Quay Church.”

“Overshadowing and overlooking of City Quay National School, Presbytery and City Quay Church:

The grant of planning permission of a building of 14 storeys (61.05 metres above ground) with a building line immediately against the former boundary wall of the national school will create a possibly unprecedented situation nationally where a school yard and classrooms are immediately overlooked by an office block on multiple floors.”

“Inappropriate Design

The design of the proposed building itself is bulky and repetitive, with a speculative appearance, having a curtain-wall bearance, blocking out light to an entire city block. Viewing the drawings and CGI images submitted with the application, it is considered that the proposal lacks coherent architectural expression, appearing jumbled and consisting of too many parts and elements, in particular when seen from the front and east. The problem appears to be that the basic silhouette or profile of the building is excessively “massed and monolithic and does not lend itself to successful break-down.”

City Quay National School Appeal - 23rd July 2025
(text extracts)

“The development provides no planning gain for the local community”

Submission Overview

The information contained herein seeks to address and respond to the arguments regarding architectural design raised in the 3rd Party appeal submissions against the Dublin City Council's decision to grant planning application for the proposed development at 1-6 City Quay.

The relevant extracts from the 3rd Party appeal submission have been included opposite and the design information contained within this submission demonstrates the appropriate design response and measures incorporated into the design which respond positively to the site's sensitive context.

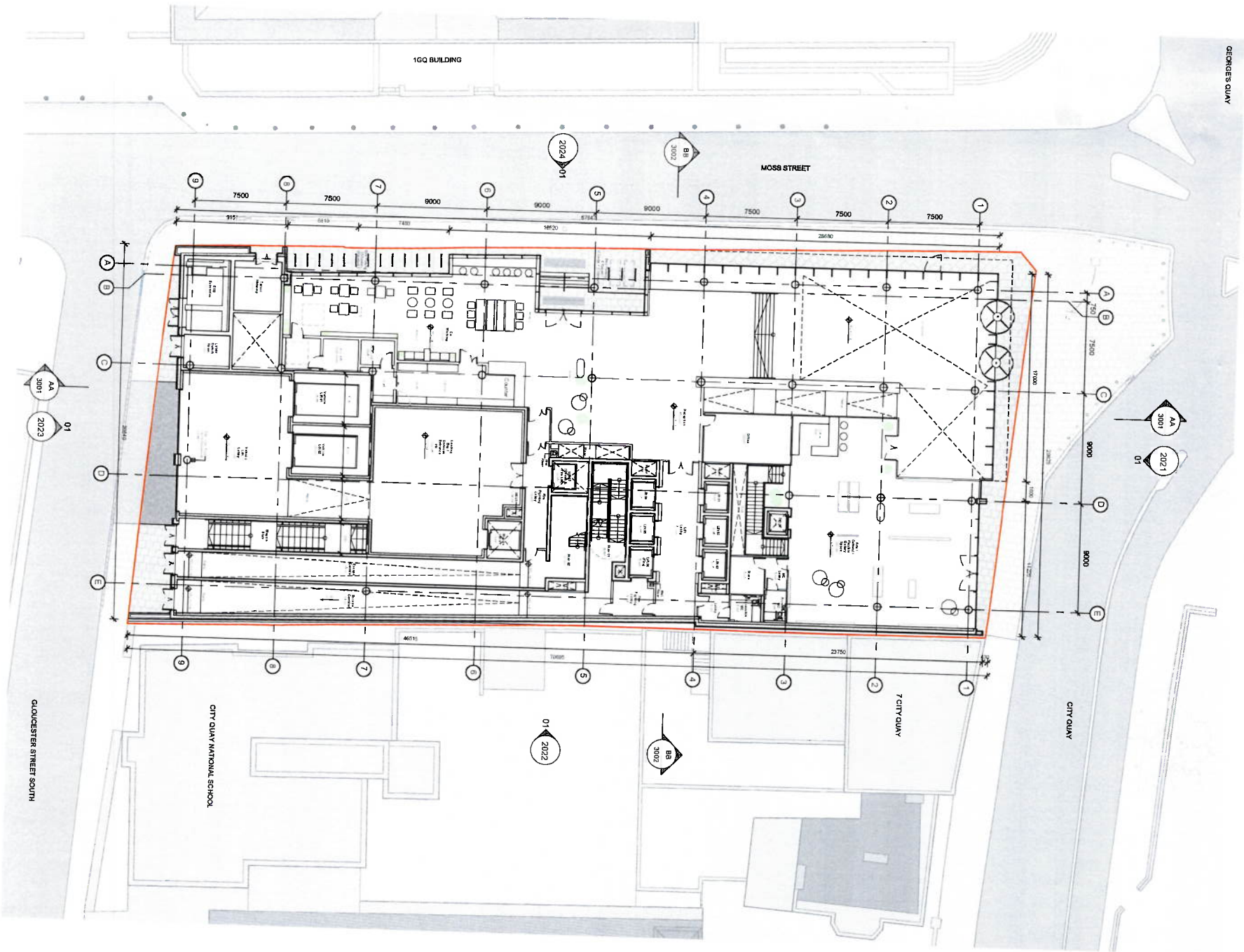
Plot Ratio

Clarification of Calculation

The application states a Plot Ratio of 11.14, calculated as follows:

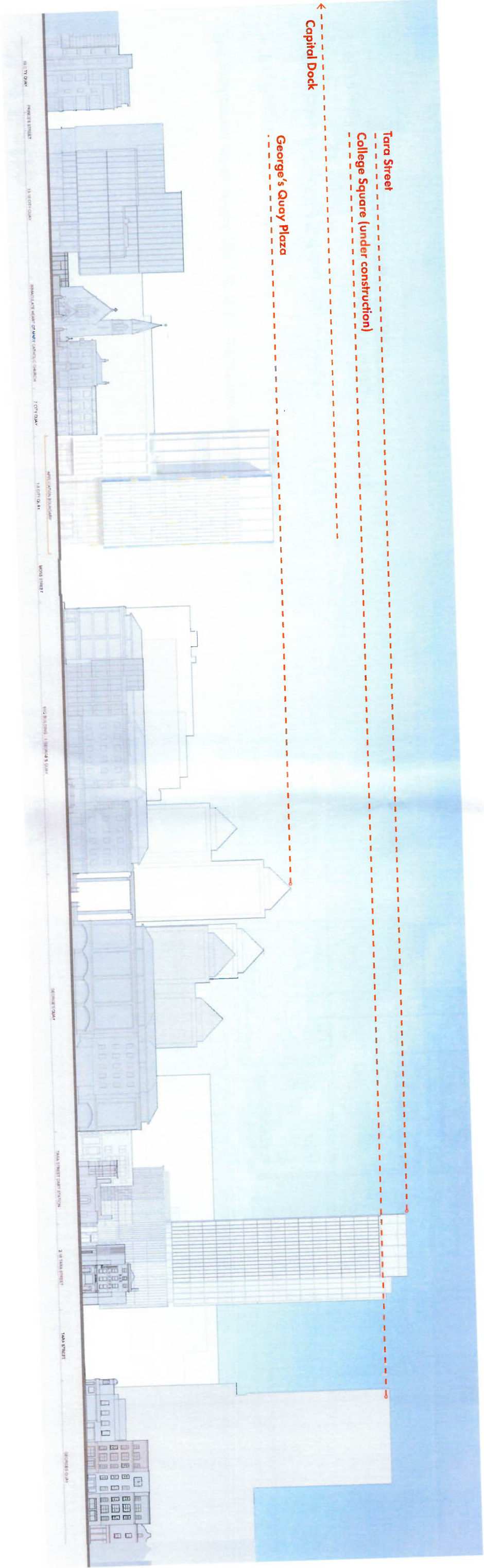
- Applicant Land Ownership area = 2,211 m²
- Floor area of proposed building (above grade) = 24,616 m²
- Plot Ratio: $\frac{\text{Floor area of proposed building}}{\text{Applicant Land Ownership}} = 11.14$

Ground Floor Plan



Building Height Design Proposal In Context

The design proposal responds appropriately to the site's local quayside context in respect of building scale and height.



Proposed North Elevation

Henry J Lyons

Scale & Composition

Design Evolution

"It is considered that the scale and architectural composition of the proposed building would need to be thoroughly revised using a lower plot ratio and site coverage. The aim should be to form a more elegant and harmonious arrangement of parts within the given space, avoiding the heavy-set 'monolithic block' form of the proposal as existing, and avoiding overbearance on the adjoining National School, protected Presbytery and City Quay Church."

"The design of the proposed building itself is bulky and repetitive, with a speculative appearance, having a curtain-wall bearance, blocking out light to an entire city block. Viewing the drawings and CGI images submitted with the application, it is considered that the proposal lacks coherent architectural expression, appearing jumbled and consisting of too many parts and elements, in particular when seen from the front and east. The problem appears to be that the basic silhouette or profile of the building is excessively "massed and monolithic and does not lend itself to successful break-down."

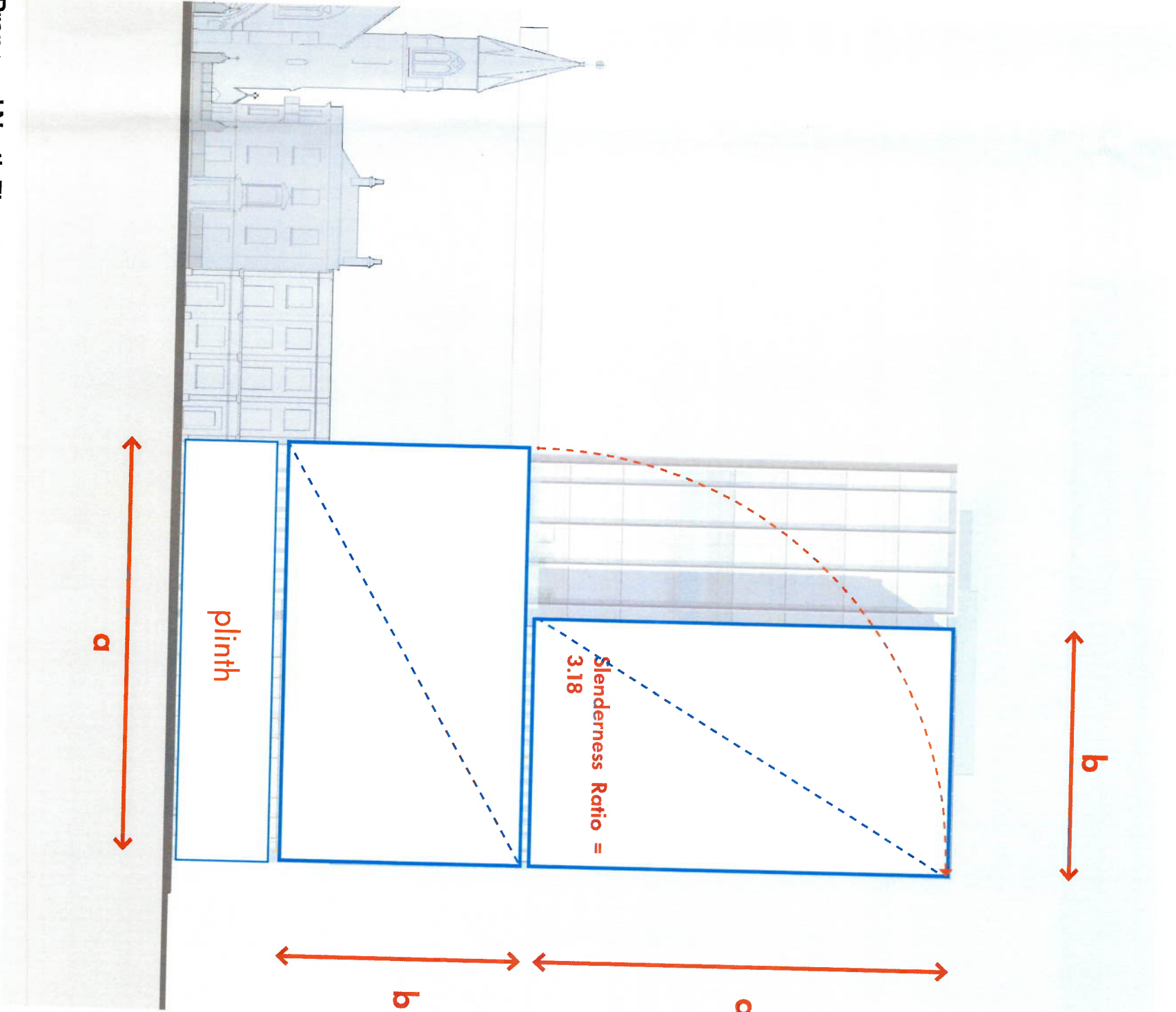
An Taise Appeal Letter - 24th July 2025

Applicant Response

The applicant submits that the scale and composition of the building respond directly to the site's context on the corner of the established city block.

The result is a harmonious building composition which can be justified simply as follows:

- Conceptual form represented by a simple diagram
- Derived from the rectangular shape of the site
- Building proportion driven from the width of the plot
- Taller corner element addresses the corer road junction
- Ground Level scale addressed by a plinth element.



Proposed North Elevation

Scale & Composition

Design Evolution

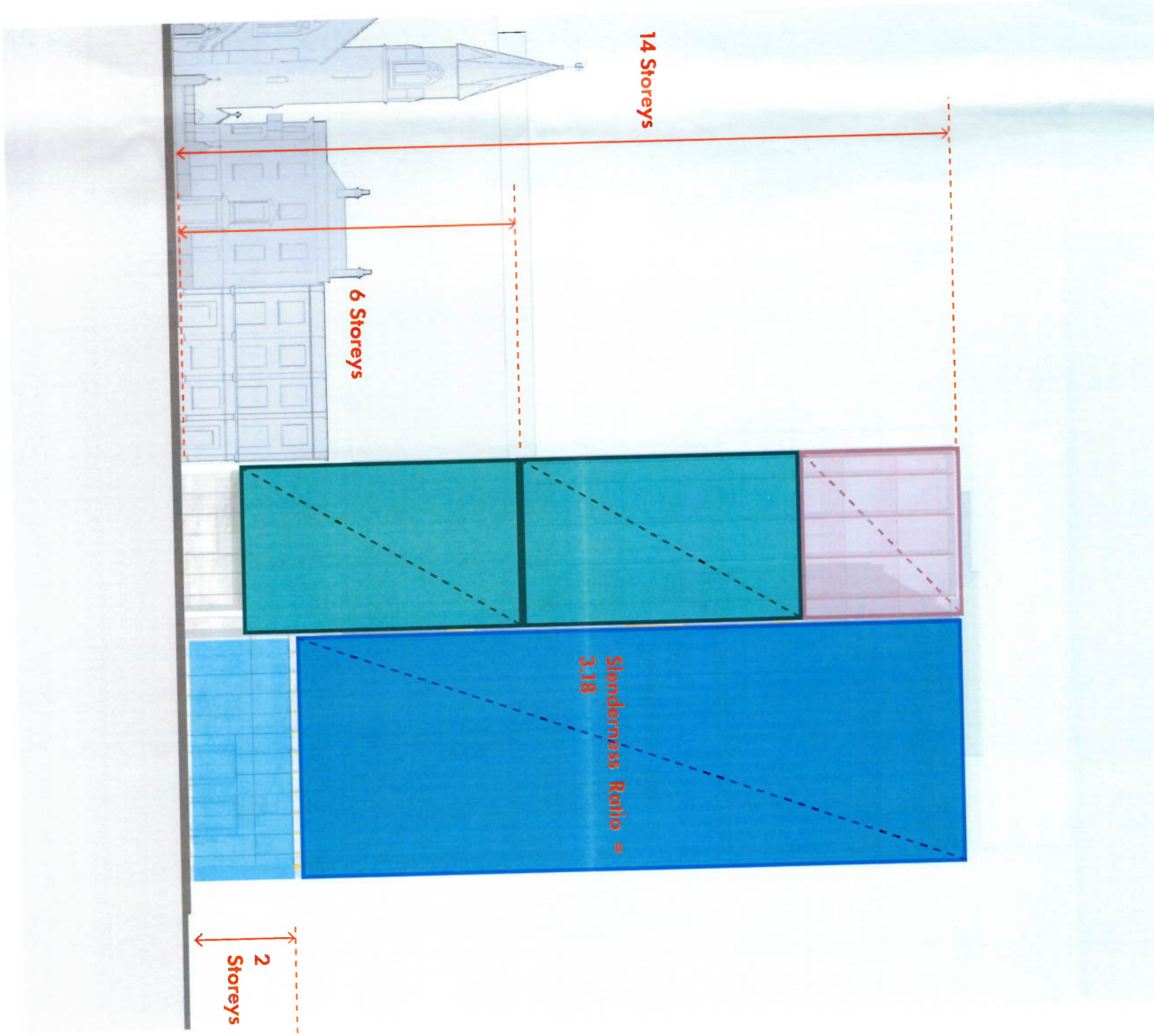
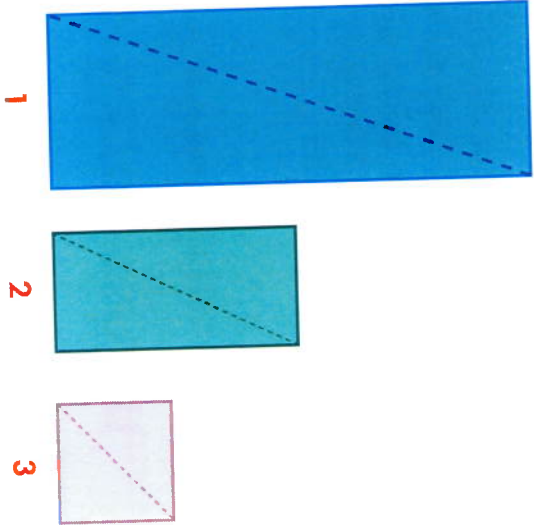
"It is considered that the scale and architectural composition of the proposed building would need to be thoroughly revised using a lower plot ratio and site coverage. The aim should be to form a more elegant and harmonious arrangement of parts within the given space, avoiding the heavy-set 'momolithic block' form of the proposal as existing, and avoiding overbearance on the adjoining National School, protected Presbytery and City Quay Church."

"The design of the proposed building itself is bulky and repetitive, with a speculative appearance, having a curtain-wall bearance, blocking out light to an entire city block. Viewing the drawings and CGI images submitted with the application, it is considered that the proposal lacks coherent architectural expression, appearing jumbled and consisting of too many parts and elements, in particular when seen from the front and east. The problem appears to be that the basic silhouette or profile of the building is excessively "massed and monolithic and does not lend itself to successful break-down."

An Taisce Appeal Letter - 24th July 2025

Applicant Response

The applicant submits that the proposed building is a composition of individual elegant geometric elements, arranged carefully to create a harmonious building form.



Scale & Composition

Design Evolution

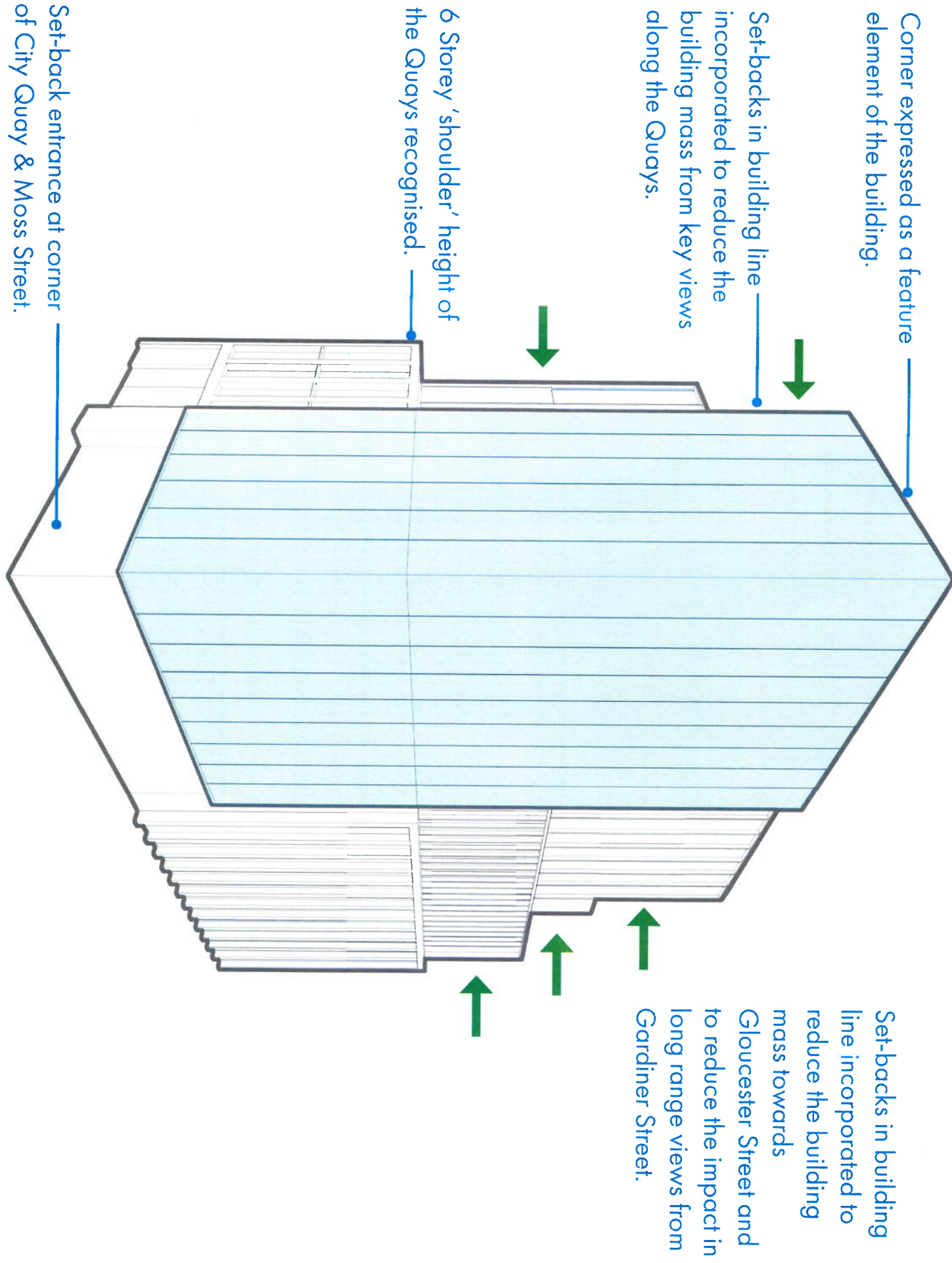
"It is considered that the scale and architectural composition of the proposed building would need to be thoroughly revised using a lower plot ratio and site coverage. The aim should be to form a more elegant and harmonious arrangement of parts within the given space, avoiding the heavy-set 'monolithic block' form of the proposal as existing, and avoiding overbearance on the adjoining National School, protected Presbytery and City Quay Church."

"The design of the proposed building itself is bulky and repetitive, with a speculative appearance, having a curtain-wall bearance, blocking out light to an entire city block. Viewing the drawings and CGI images submitted with the application, it is considered that the proposal lacks coherent architectural expression, appearing jumbled and consisting of too many parts and elements, in particular when seen from the front and east. The problem appears to be that the basic silhouette or profile of the building is excessively "massed and monolithic and does not lend itself to successful break-down."

An Taisece Appeal Letter - 24th July 2025

Applicant Response

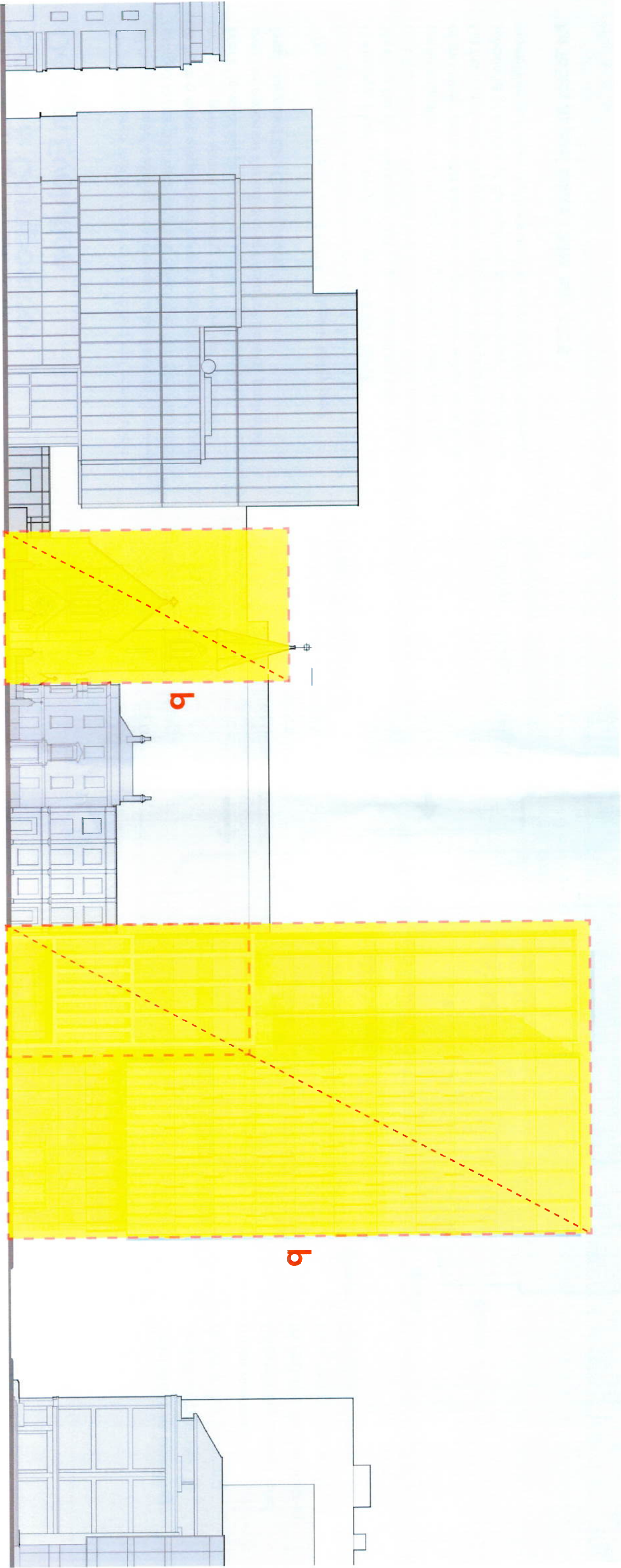
The applicant submits that building form is a response to a range of contextual factors influencing the site. The design has taken into consideration both short and long-range views of the building and has incorporated set-backs 'at strategic locations to mitigate the impact of the proposal.



Scale & Composition

Design Evolution

The building form and proportion has drawn on the local historical proportion of the City Quay Church.



Proposed North Elevation

Overlooking

Mitigation measures

The grant of planning permission of a building of 14 storeys (61.05 metres above ground) with a building line immediately against the former boundary wall of the national school will create a possibly unprecedented situation nationally where a school yard and classrooms are immediately overlooked by an office block on multiple floors."

An Taisce Appeal Letter - 24th July 2025

Applicant Response

The applicant submits that the building facades have been designed to prevent overlooking from the proposed building towards the adjoining school lands.

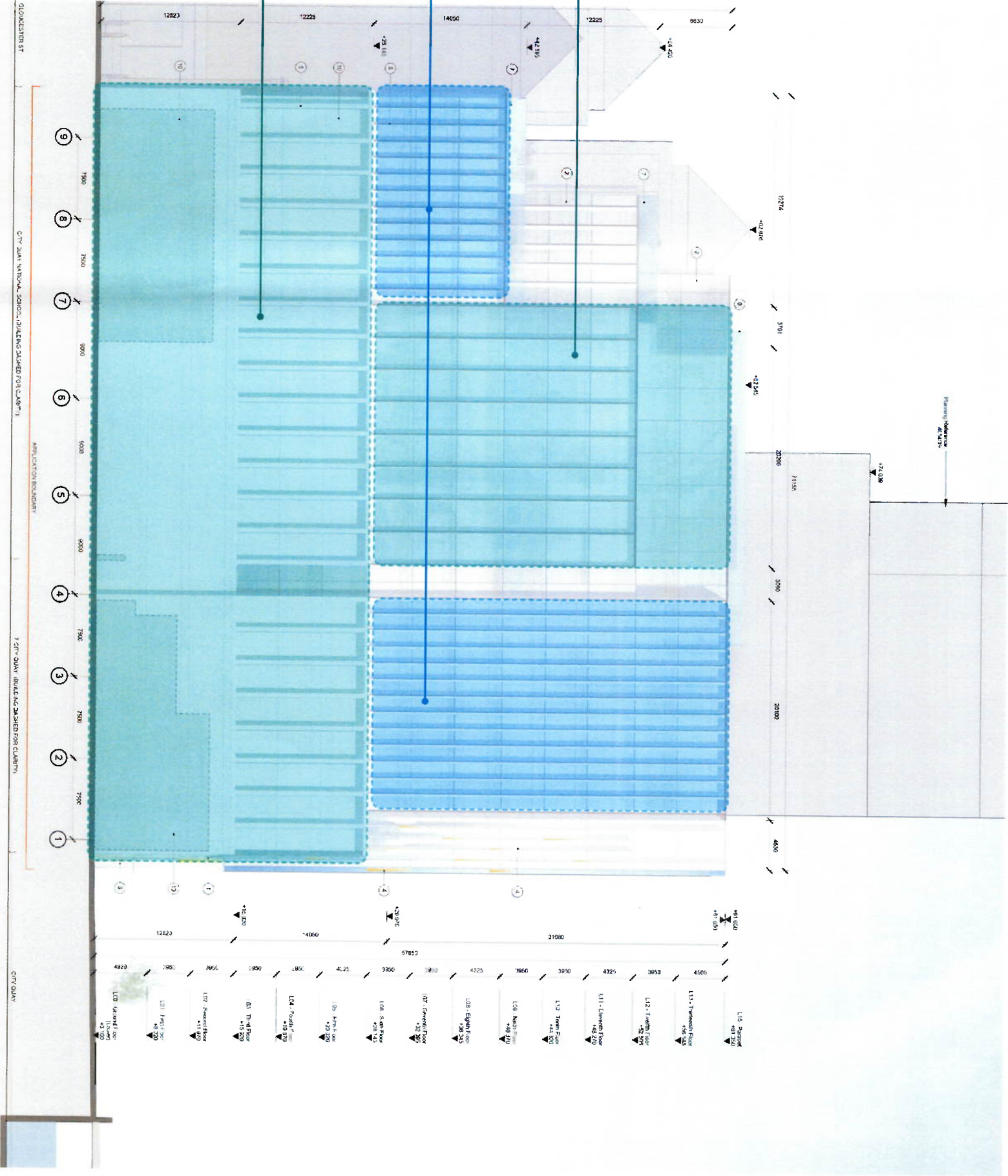
- 1

100% opaque
Glass curtain wall facade incorporating 100 % opaque panels on levels 06-13 (Facade Typology 1)
- 2

70% opaque
Glass curtain wall facade incorporating 70 % opaque panels & 30% transparent glass on levels 06-13 (Facade Typology 2)
- 3

100% opaque
Solid stone rainscreen on levels GF to 05 (Facade Typology 3)

Eastern Elevation:

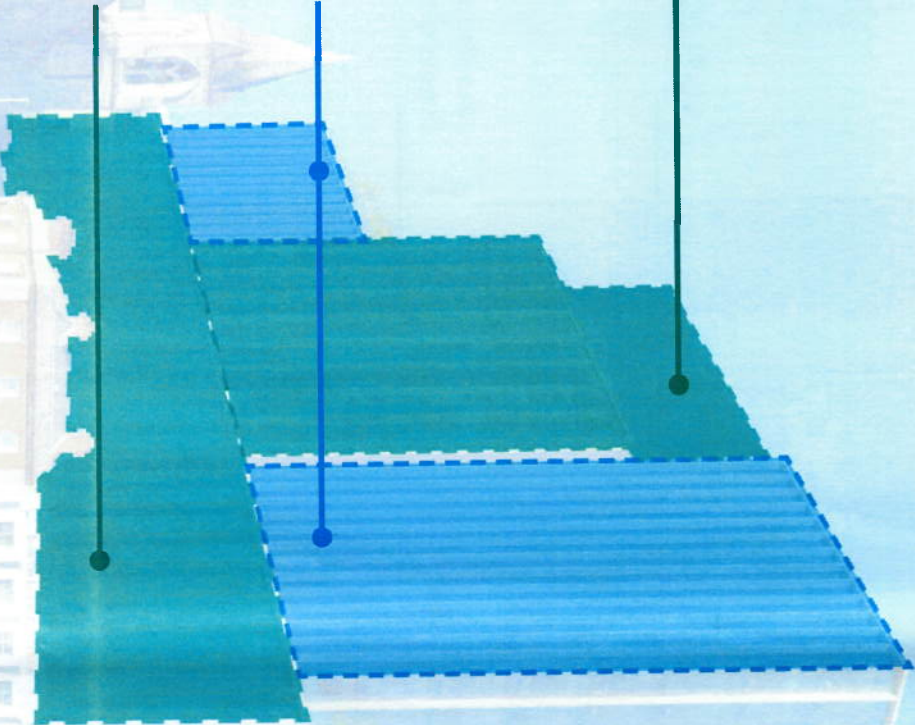


Proposed East Elevation Facade Typologies

1 100% opaque
Glass curtain wall facade incorporating
100 % opaque panels on levels 06-13
(Facade Typology 1)

2 70% opaque
Glass curtain wall facade incorporating
70 % opaque panels & 30% transparent
glass on levels 06-13
(Facade Typology 2)

3 100% opaque
Solid stone rainscreen on levels GF to 05
(Facade Typology 3)



Proposed East Elevation
Perspective showing facade
fenestration and finishes



Proposed East Elevation
Facade Typologies

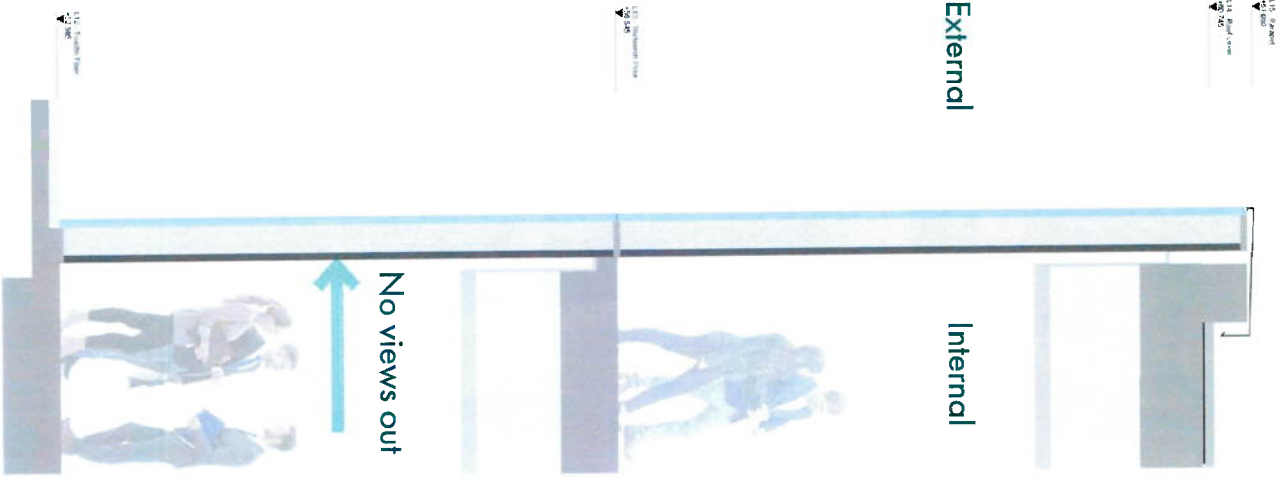
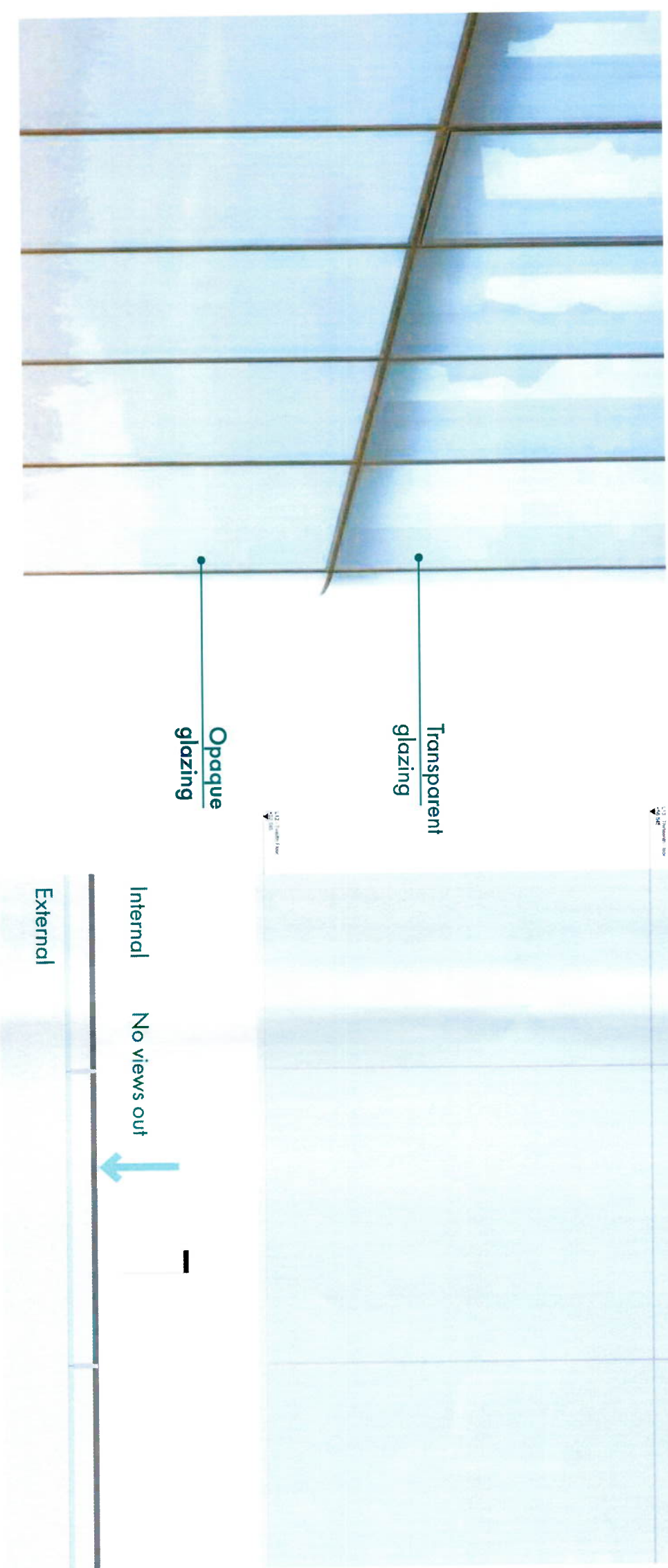
Facade Type 1

Curtain Wall System

Opaque Glazing 100%

(Metal Fins at 06th - 11th levels)

Transparent and Opaque Glazing Comparison



Proposed East Elevation Facade Typologies

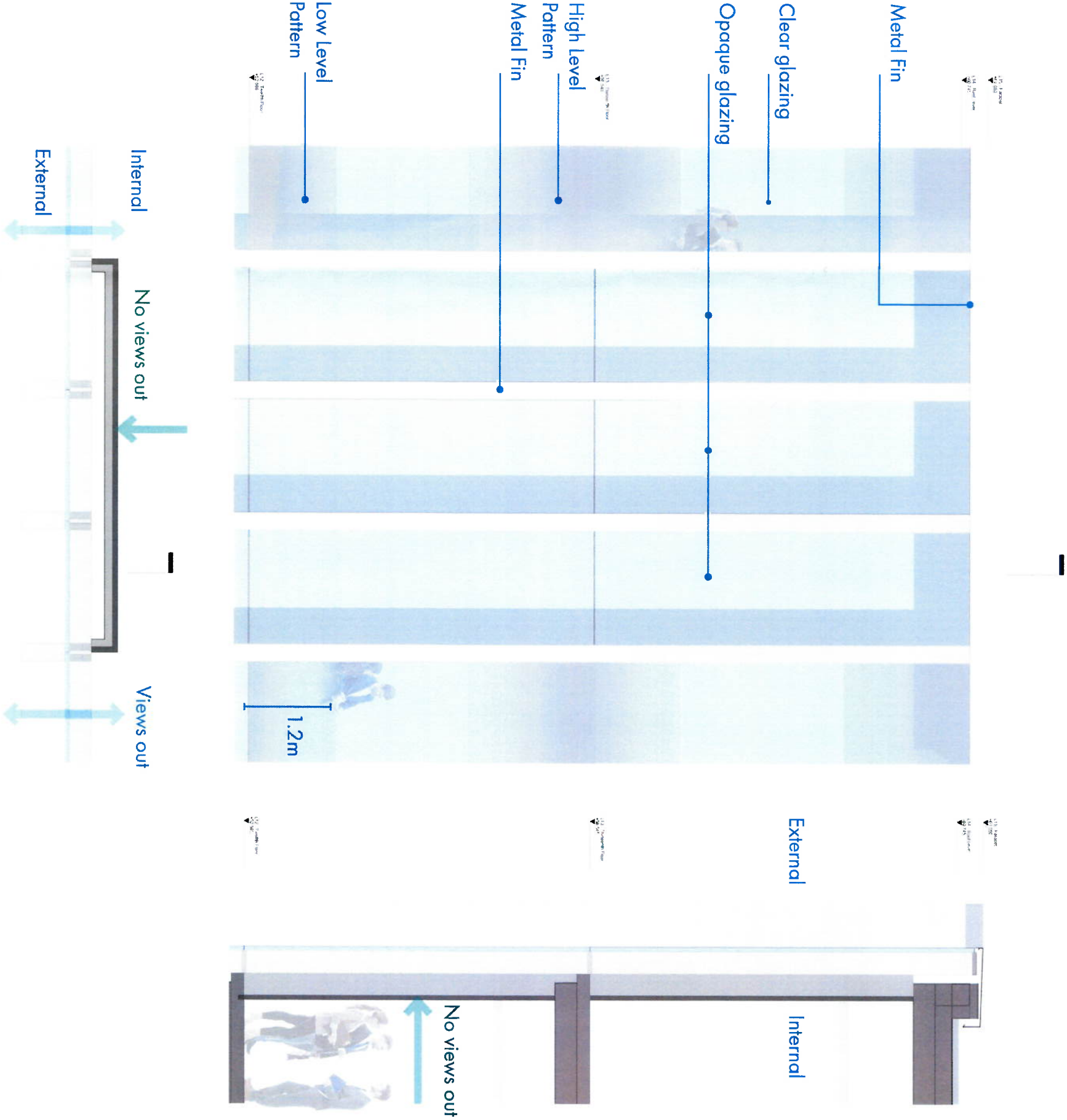
ade Type 2

Curtain Wall System

Opaque Glazing 70% Clear Glazing 30%
Coloured Metal Fins



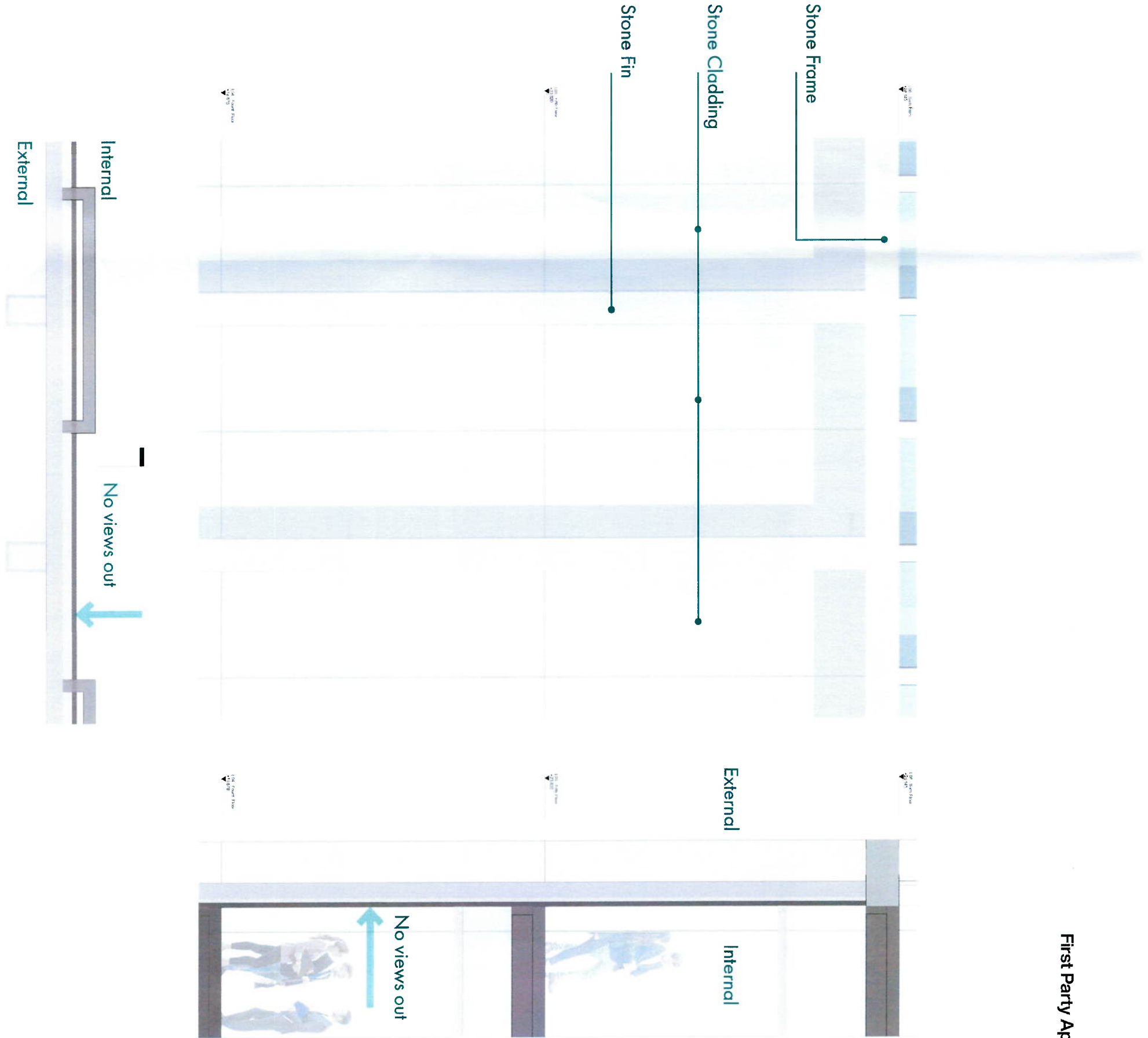
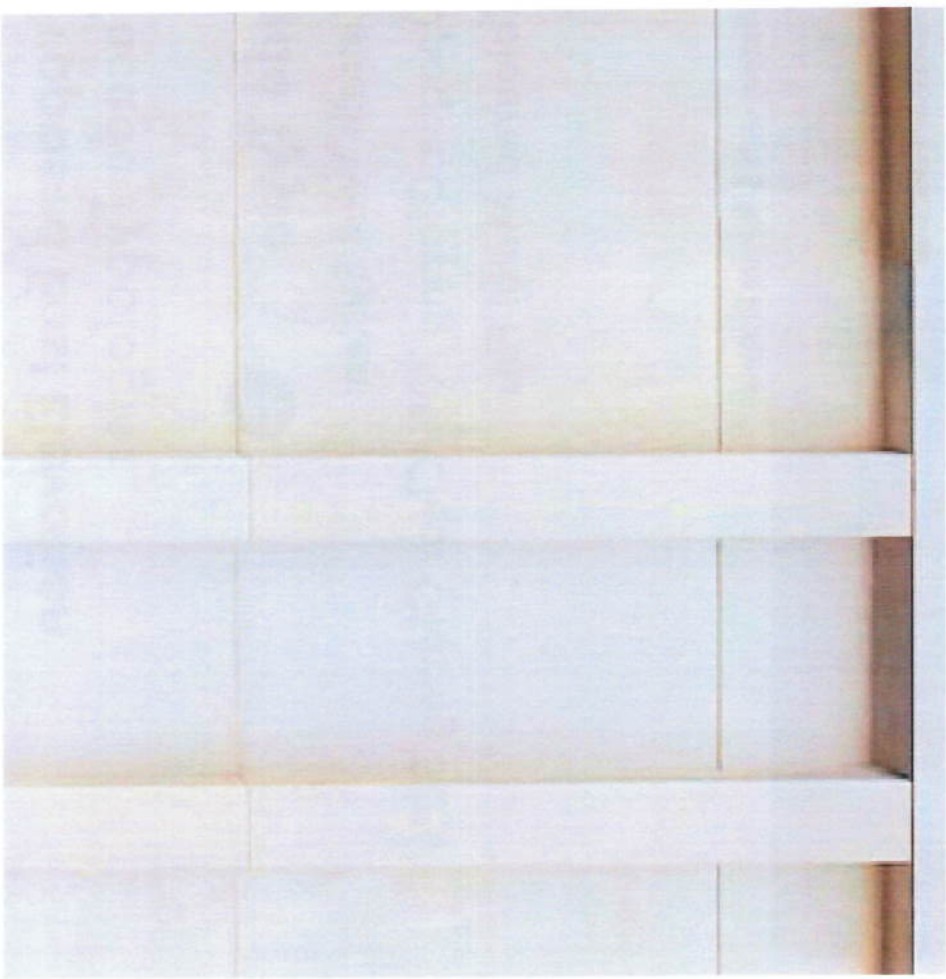
Glazing with Silk Print Pattern



Proposed East Elevation Facade Typologies

Facade Type 3
Solid Stone Rainscreen System
Opaque 100%
(Stone Fins at 03rd-05th levels)

Opaque 100% Solid Cladding



Community Benefit Design Provision

“The development provides no planning gain for the local community”

City Quay National School Appeal - 23rd July 2025

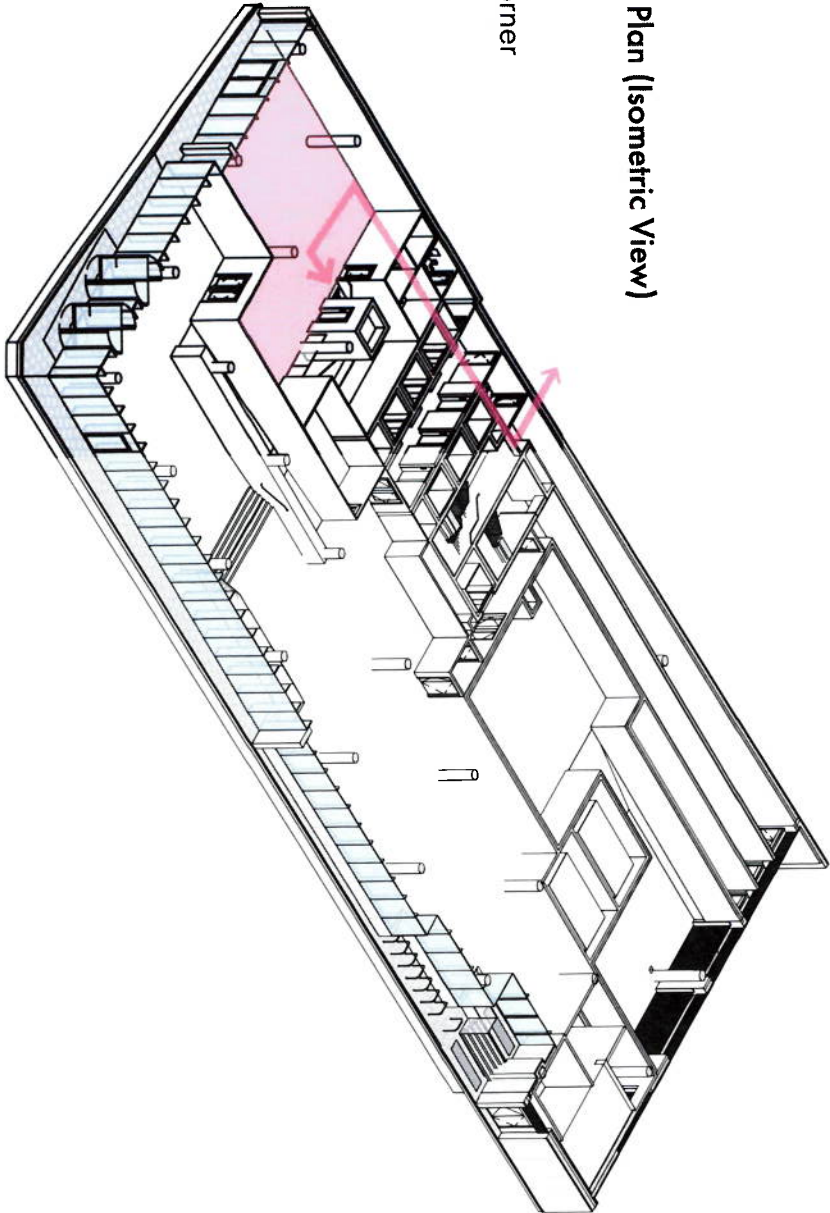
Applicant Response

The applicant submits that 5% of the building use is designated as ‘Community, Arts and Cultural Space’ and that the applicant has offered for this space to be usable by City Quay School.

Ground Floor Plan (Isometric View)

Location:
North East Corner

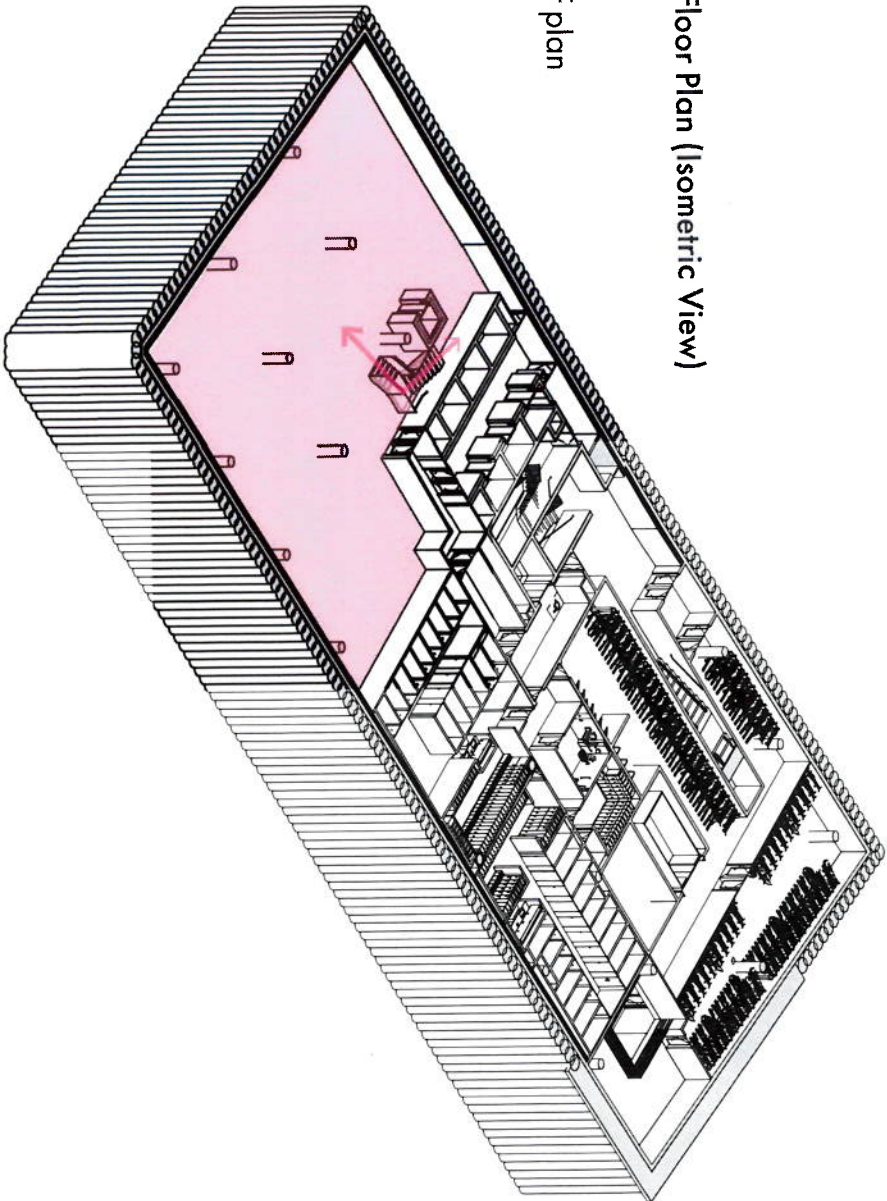
Foor Area:
260m²

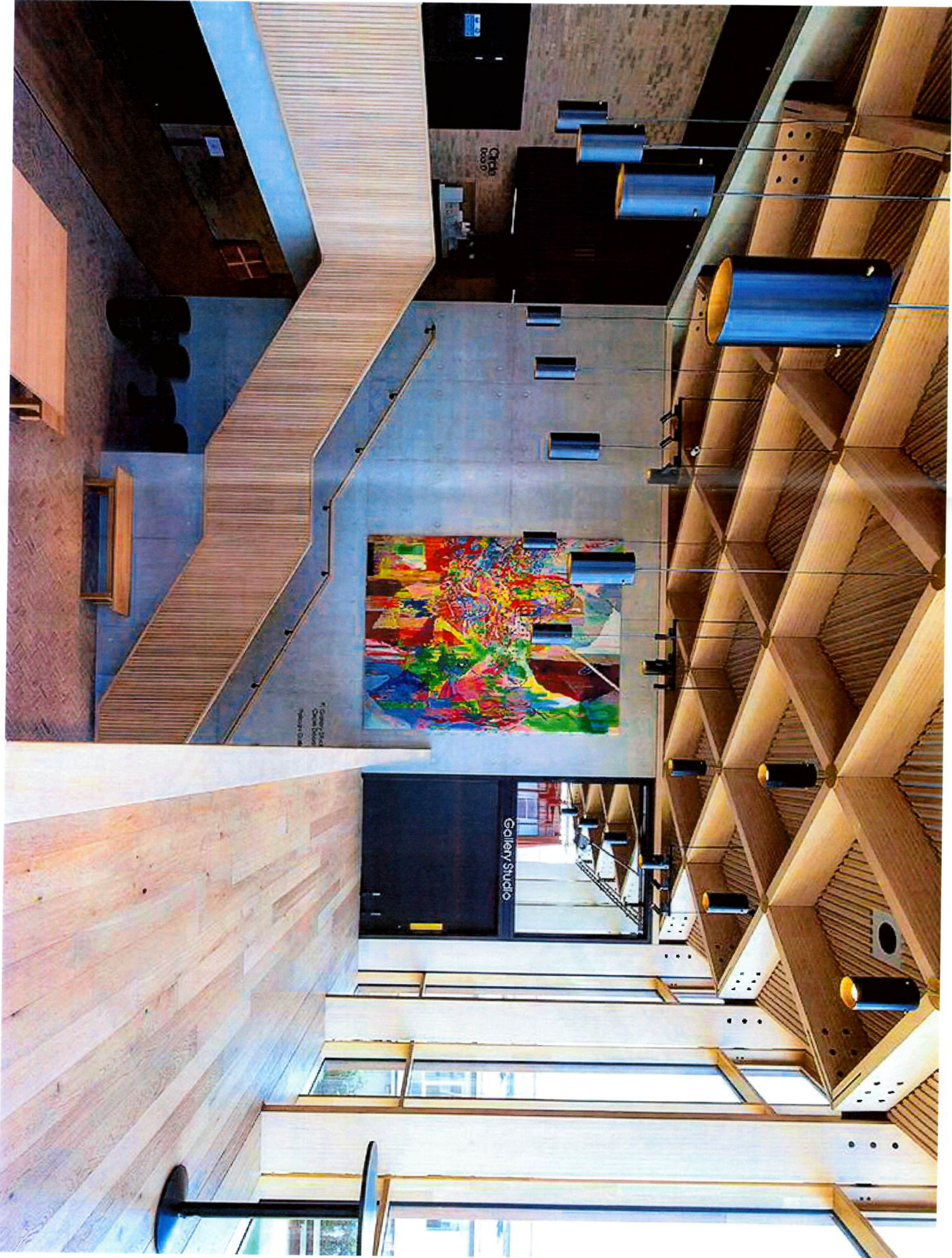


Lower Ground Floor Plan (Isometric View)

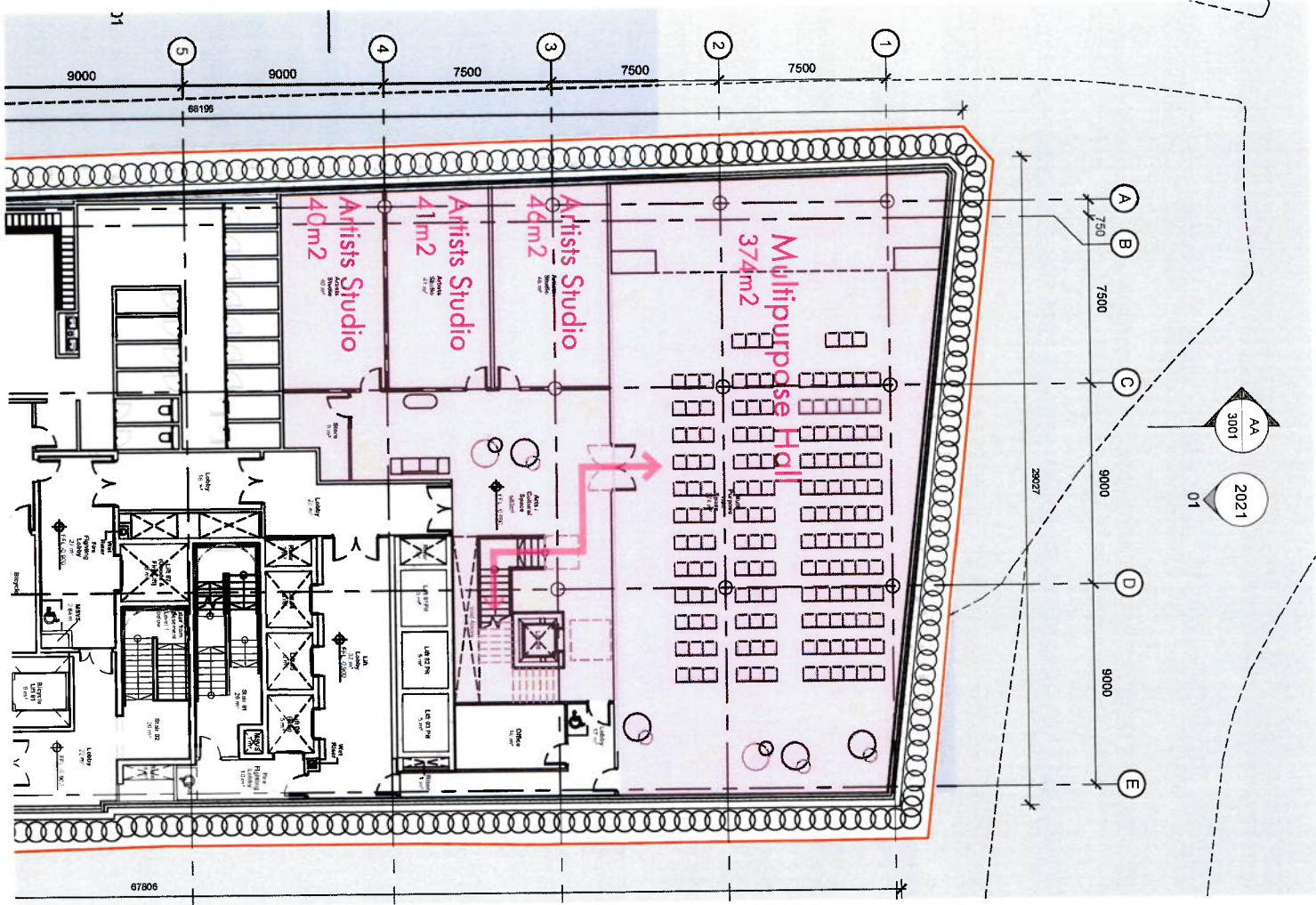
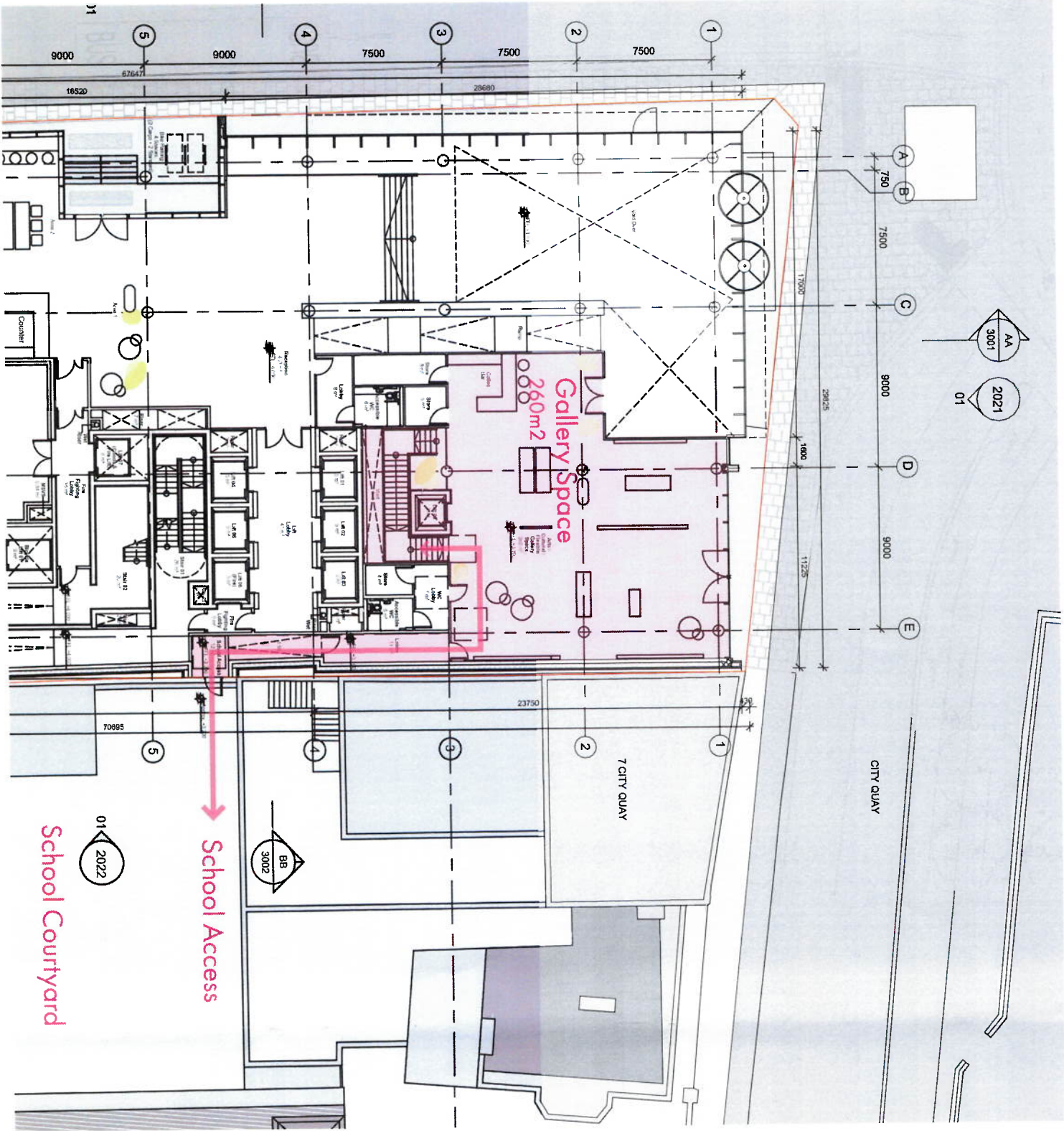
Location:
Northern end of plan

Foor Area:
652m²



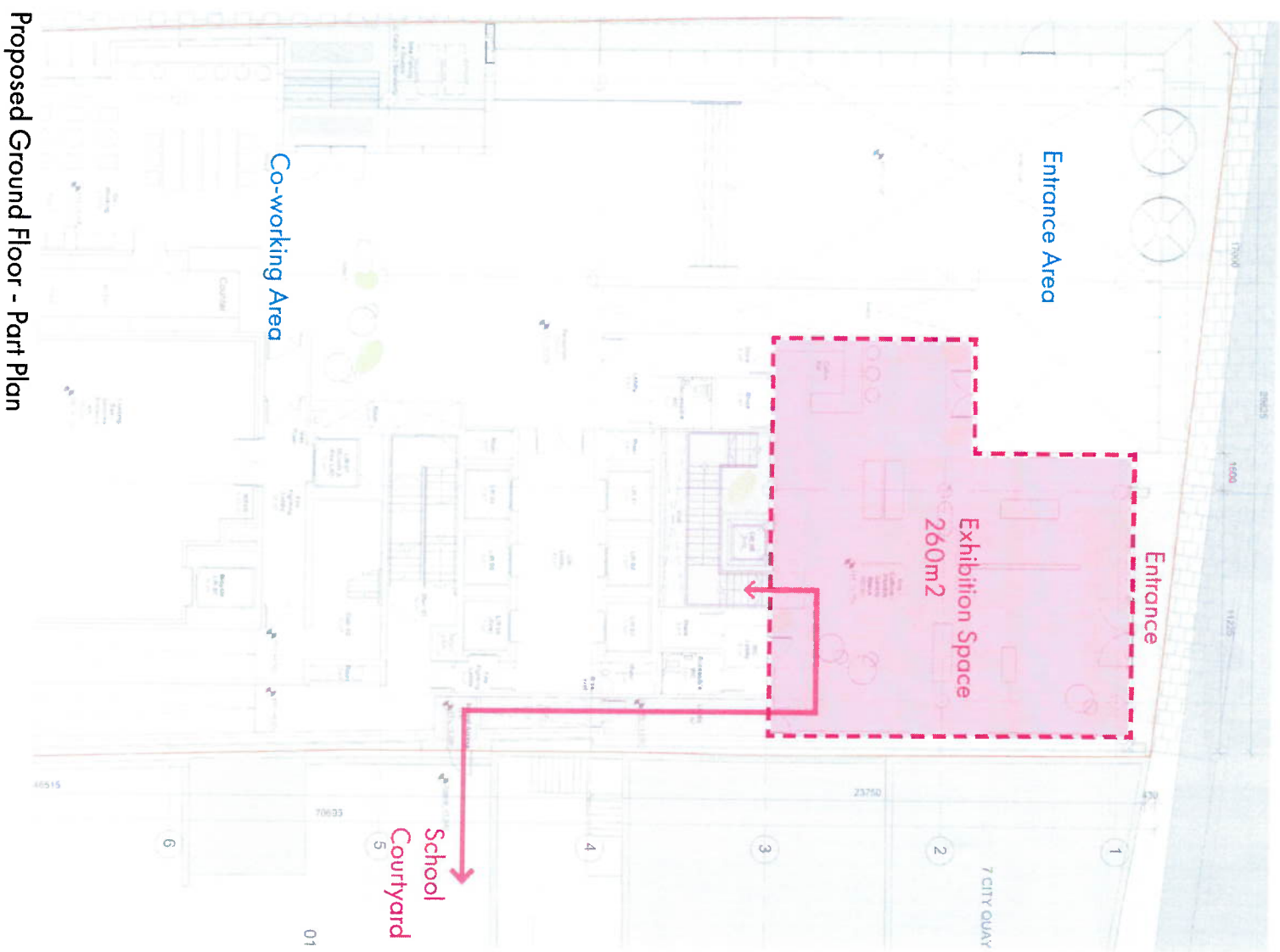


Community, Arts & Culture - Proposed School Access
Potential Future Access Link from School



Community, Arts & Culture - Proposed School Access

Ground Floor Space

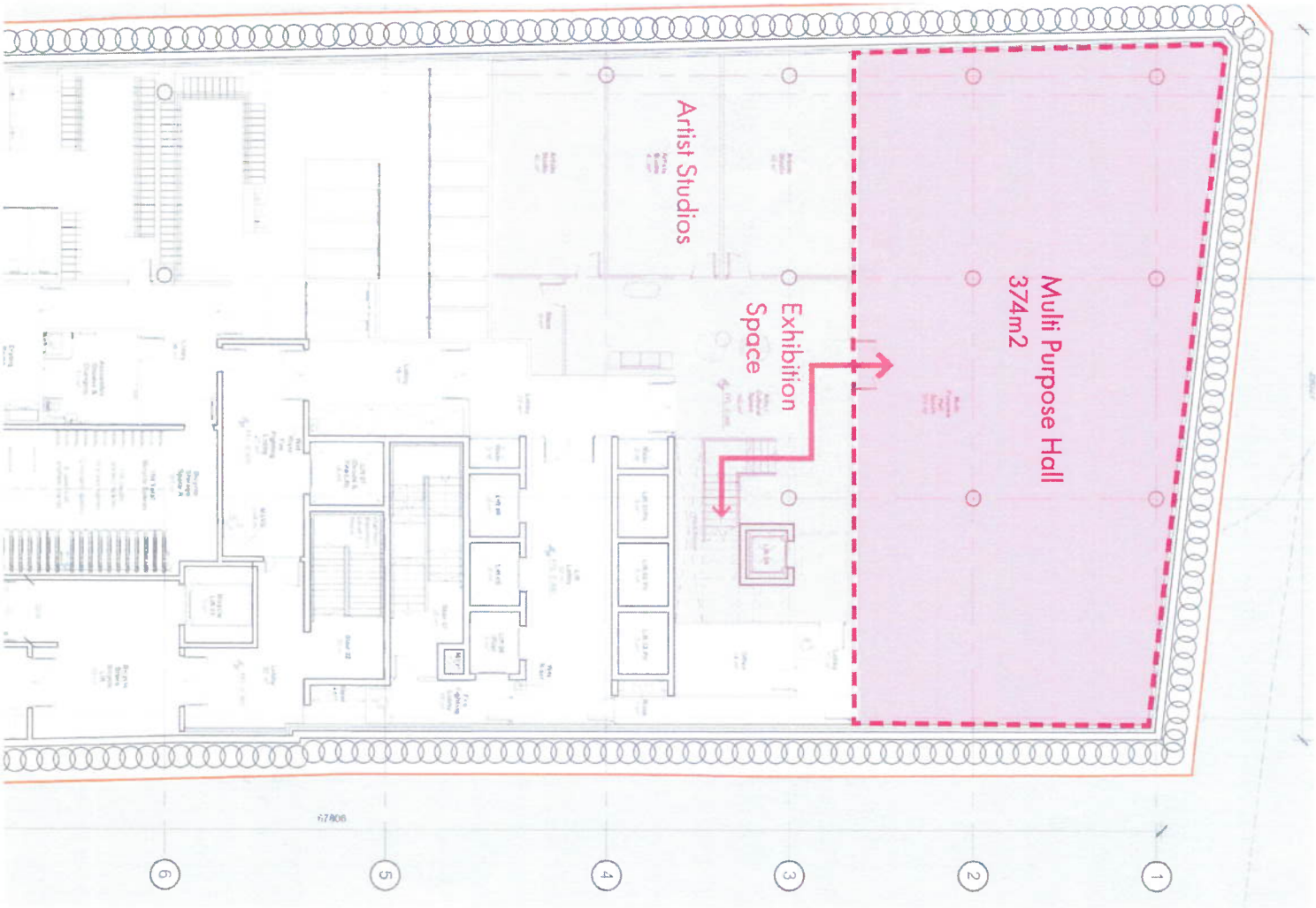


Proposed Ground Floor - Part Plan

Ground Level Space - Uses

- Main Entrance to Community & Arts Facility
- Ground Level Gallery/Exhibition Space
- Integral coffee dock
- Access to Lower Ground Floor via stair & lift core.

Community, Arts & Culture - Proposed School Access Lower Ground Floor Space



Proposed Lower Ground Floor - Part Plan

Multi-Purpose Space

Ceiling Height: 3m

Lighting:

Luminaire Fittings
integrated within decorative
ceiling

Acoustic:

Acoustic baffle panels
integrated within
decorative ceiling.

Multi-Purpose Space - Uses

School Uses

- School Assembly Hall
- Parent Teacher Meetings
- School Play/Performance

Public Uses

- Group Meetings
- Seminar Space
- Sports (table tennis, bowls, yoga classes)
- Exhibitions

City Arts

BUILDING



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No. 247166

H J Lyons Architects Ltd

HJL

Architecture + Interiors
henryjlyons.com

APPENDIX 3

Appeal Response prepared by CityDesigner



incorporating

CITYDESIGNER



**1-6 CITY QUAY
RESPONSE TO APPEALS**

21 AUGUST 2025

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PROJECT

I-6 City Quay, Dublin City Council

CLIENT

Ventaway Limited

PREPARED BY

Richard Coleman, Dip.Arch (Cant) ARB RIBA RIAI IHBC

Elza John, B.Arch MA Arch and Urbanism

1.0 Author's Qualification

Richard Coleman - Director

- | | |
|--|---|
| <p>1.1 Richard Coleman, now director of Heritage and Townscape at Savills, founded Citydesigner, the first bespoke consultant for integrated townscape, heritage and design advice serving major projects in the UK and Ireland and the first to put design quality uppermost in its aim to help development achieve an optimum sensitivity to historic environments. It was founded as Richard Coleman Consultancy in 1997 following Richard's 13 years of running the Royal Fine Art Commission, then the only design review panel in England. He and his team are mostly qualified architects so that design collaboration with the appointed architects forms an important part of the role. The consultancy became an industry leader and over its 27 years trained many of those now running subsequent competitor townscape and heritage practices.</p> | <p>1.4 He was appointed by the UK Deputy Prime Minister's Office in 2002 to be part of a working group tasked with rewriting heritage policy. It led to UK's current policy which embodies a number of refinements he introduced at that time, concerning contribution/enhancement/harm categorised on a scale. He was also appointed together with Miller Hare in 2005 by the London Mayor Livingstone to contribute to the draft for the 2006 consultation on the London View Management Framework (LVMF), for the management of views across London as outlined in Section 4 of the then London Plan.</p> |
| <p>1.2 The team provides significance assessments for heritage buildings and areas of all sizes, as well as their settings, from locally listed parks to world heritage sites. It is an expert on townscape landscape and heritage Environmental Impact Assessments and knows how to interpret the rules concerning significant effects, adverse and beneficial effects, and the sensitivities and susceptibilities of human and built receptors.</p> | <p>1.6 Citydesigner was first engaged in Irish work in 2007, when it offered design and heritage advice on Foster + Partners proposed redevelopment of Dublin's Clarence Hotel. Since this time and up to the present day, as Savills Heritage and Townscape team, skills and expertise have been sought on an ever increasing number of Irish schemes, and we have worked for some of Ireland's most prominent developers, and in doing so, have collaborated with many of the country's best architects and designers. We have also offered professional advice and guidance to local authorities in Ireland faced with planning applications for large-scale development proposals in sensitive locations.</p> |
| <p>1.3 He is an architect and heritage expert. His early career was as assistant architect on works to Windsor Castle and Hampton Court Palace. Prior to setting up Citydesigner in 1997, in the role of Deputy Secretary of the Royal Fine Art Commission (precursor of CABE) for 13 years he developed unique skills in architecture, urban design and conservation, giving him the ability</p> | <p>1.5 Richard has been commissioned to prepare several independent heritage significance assessments for post-war buildings in both Cork and Dublin. Involvement in such projects has grown as post-war architecture gains more interest from heritage, planning and design practitioners, as well as the wider public, resulting in a greater desire to see the best examples protected. Through our independent heritage significance assessments, we bring a balanced, well-considered and authoritative voice to the discussion, which seeks to ensure that the significant elements of the</p> |
| | <p>very best post-war buildings are preserved, while in the case of less worthy examples of post-war architecture, a pragmatic approach is adopted, which achieves a balance between conservation, alteration and redevelopment.</p> <p>Schemes include;</p> <ul style="list-style-type: none"> • Clarence Hotel, Dublin (2007) • Liberty Hall, Dublin (2011) • National Paediatric Hospital, Dublin (2011) • ESB Fitzwilliam Street HQ, Dublin (2014) • Fitzwilton House, Dublin (2016) • 74-75 Baggot Street, Dublin (2017) • AIB, Dublin (2017) |

- Spencer Place, Dublin (2017)
- Tara Street, Dublin (2017)
- Wilton Plaza, Dublin (2018)
- Albert Quay, Cork (2019)
- Kevin Street, Dublin (2020)
- Advice to Galway City Council (2020)
- Albert Quay, Dublin (2021)
- Treasury Building Annex, Dublin (2021)
- Mater Hospital Extension, Dublin (2021)
- Project Waterfront (offices), Dublin (2021)
- Irish Distillers Bottling Plant, Cork (2021)
- 25-28 North Wall Quay, Dublin (2021)
- Carrisbrook House, Dublin (2021)
- Raidió Teilifís Éireann (RTÉ), Dublin (2022)
- Stephen Court, Dublin (2022)



2.0 Introduction

3.0 An Taisce Appeal Letter – 24th July 2025

2.1 Savills incorporating Citydesigner has been asked to respond to the appeal letters in relation to the proposal at 1-6 City Quay.

- Damaging impact on setting of architectural set-piece of the Custom House

3.1 At page 2 of the above letter it is mentioned that

‘... the height and massing of the proposed building would produce significant detrimental effect on views to, views with, and on the surrounds of the Custom House, one of our most important heritage buildings nationally, an important tourist attraction, and an historic landmark within the city. We consider that it is not appropriate to have a building of this size located directly on the edge of the quay overlooking the building, taking away from the building as an architectural set-piece.’

proposed views can be found in Appendix 1 of this report. The relevant paragraphs from the HTLVIA referenced above, are repeated below for the benefit of the ACP.

Para 6.5.1 - Custom House - The broad space around all sides of the protected structure and its direct relationship to the Liffey is its essential setting. It's wider setting is not formal and consists of ad hoc conjunctions with a variety of buildings of all ages. The diverse form of such structures, of varying architectural quality, together with a limited number of smaller more historic structures, creates a rich and diverse visual experience which is brought into common relationship on account of the River Liffey. Chronologically the main elements of its setting are: Loophine Bridge; Liberty Hall; Busaras; IFSC; Irish Life HQ; Former Ulster Bank HQ. Plus, emerging: College Square and a notional landmark building at the site of the Tara Street Tower.

Para 6.5.5 - Gardiner Street - Views of the Custom House cupola are slowly revealed in views from the east side of the street. First the cupola is seen as a backdrop to the west flank of street enclosure buildings. Progressively the cupola and the peristyle become visible within the gap and above the Loophine Viaduct. It is only seen as a central element, diagonally across the street when the viewer has become quite close to the viaduct. This asymmetric and ever-changing relationship between the street

2.2 We are Savills a team of experienced professionals from the areas of architecture, urban design and heritage. The consultancy, as Citydesigner, was appointed by Ventaway Limited to assess the scheme and its effects on townscape and heritage. This took place during the design process following which we were asked to prepare the 'Environment Impact Assessment Report Volume III: Heritage, Townscape, Landscape And Visual Impact Assessment' (HTLVIA) dated December 2024 as part of the planning application.

2.3 The current document responds to the concerns raised in the submitted Appeal letter by An Taisce of the 24th July 2025 and the Observation from the Office of Public Works of the 28th January 2025, the relevant townscape and heritage policies identified in it and the concerns relating to commentary on certain views assessed in the HTLVIA and referred to in the above letters. This response draws from assessments made in the HTLVIA dated December 2024.

Response: The impact of the proposed development on Custom House is assessed in the HTLVIA at chapter 6.0 (see paragraphs 6.5.1 which identifies the current setting and 6.5.5 which describes the effect of the development on Gardiner Street views), chapter 8.0 (see paragraph 8.23 which analyses the effects of the development on the character area which forms its setting and concludes a positive effect), chapter 9.0 (see paragraph 9.39 which analyses the effect of the development on the protected structure's significance. It finds no adverse effect.), and chapter 10.0 which illustrates with rendered accurate verified views how the proposed development marks an important transition within the city with a design of high quality which complements the Custom House without causing harm. This is particularly well illustrated in views 5 and 21-24. The assessment and a selection of

and the cupola emphasises the impending arrival at the centre of the city. The previously proposed LAP scheme for the subject site, at 12 storeys, would have played a part in this unfolding urban experience. The proposal is to align the development on the Talbot Memorial Bridge axis and significantly, with the higher visible part brought close to the river. This approach plays down any formal relationship with Gardiner Street which is axial to the site position. This also enables the lower parts further south arranged along Moss Street to be modelled such that in the Gardiner Street views the cupola is embraced and celebrated within a suitably framed sky space when seen from the key views.

Para 8.23 - The sensitivity of this character area is **high**, including the historic landmark of Custom House and a large number of protected structures. The proposed development is to the south of the character area across the River Liffey. The magnitude of change in relation to the character area would be **medium**. The proposed development would feature as a prominent element in open views from the Custom House on the south side of the river. Its articulated massing, scale and variety of detail and materiality are intended to both mark the townscape location and sensitively integrate with its immediate City Quay context. The proposal would provide an elegant and appropriate addition as a gateway to the south side of the river, which

would not change the character of the 'Custom House, Busáras, Gardiner Street and George's Dock' character area. The likely effect of the proposed development on the character area is considered to be **moderate and positive**.

Para 9.39 - The proposed development would be visible in views in relation of the Custom House from Gardiner Street. In overall terms, the 'locally higher building' objective of the Development Plan would not be achieved without a building being seen in conjunction with the Custom House. In river prospects the proposed development is an elegant and high quality designed vertical companion to the Custom House, being a high-quality counterpoint across the river and without affecting its setting. In views from Gardiner Street there would be some effects on the way the drum and cupola of the Custom House acts as a landmark. The relationship between the Custom House and Gardiner Street changes as the viewer progresses south; from being seen behind the west flank of houses to being seen within the street vista. It is, therefore, a kinetic experience and whereas at the northern more modern part of Gardiner Street the development is shown close-up to the drum and cupola, in closer views the relationship opens up and the development forms a complementary relationship with the drum and cupola. Therefore, from the most sensitive positions, i.e., where Gardiner Street retains its Georgian street frontages, the design has been carefully

composed to complement the landmark status of the drum and cupola so that the latter are framed between the development and the west flank of the Gardiner Street buildings. The effect is classed therefore as being of **no effect of the significance** of Custom House.

In conclusion, full justification for positive assessments are set out in the above quoted paragraphs. It includes both objective analysis and professional judgement. The same level of analysis and judgement has not been set out in the observations by An Taisce. They can only therefore be considered as subjective opinion.

At page 3, *The proposed development also produces significant overbearance on the City Quay Church and its Presbytery adjoining to the east, both of which are Protected Structures.*

Response: The significance of the City Quay Church and its Presbytery, the contribution made by their setting and the likely effects of the proposed development on their significance is assessed in chapter 9 (see paragraphs 9.31 to 9.35) of the HTLVIA and in views 1, 3 and 5 in chapter 10.0 which are relevant to this group of protected structures (also included in Appendix 1 of this report). The change in scale is accepted as potentially harmful but the specific design response is carefully and sensitively handled by the quality of the architecture and appropriate secondary scale of the elements. This approach mitigates any perceived harm.

4.0 Observation from the Office of Public Works (OPW) – 28th January 2025

3.3 At page 4, 'While the height of the proposed development may be construed, in a broad sense, to be in compliance with the 'Urban Development and Building Heights' guidelines (2018), there is significant conflict with section 3.2 of these guidelines which provides that: 'proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views' having regard to the proximity of the Custom House protected monument and the Liffey-front location of the subject site.'

Response: The above policy has been referenced in chapter 11 (see paragraph 11.9) of the HTLVIA. The quality of the design, the height and its location in relationship with surrounding heritage assets is assessed against relevant policies in chapter 6.0 (see paragraphs 6A.1-6A.12), chapter 8.0 (see paragraphs 8A.1-8A-5), and chapter 9.0 (see paragraphs 9A.1-9A.3). It is concluded that the proposals comply with the guidance.

• 2.1 Riverine setting

4.1

At page 2 of this letter, 'Given the prominent position that the Custom House has enjoyed along the River Liffey for the past 230 years, it is noted that the Verified Photomontage Assessment places little emphasis on the impact of the proposed 14 storey building on the Custom House as viewed from the river - other than View 26 from the Samuel Beckett Bridge (see Fig. 2 extract). This vista also represents one of the Key Views and Prospects in the current Dublin City Development Plan 2022-2028 (see Fig. 3 extract). It is the opinion of the OPW that the scale and bulk massing of the proposed development would overshadow the historically significant viewpoint of the Custom House along the River Liffey in a negative manner.'

Response: There is an error in the above reference to figures, they are in fact Fig. 1 and 2, respectively.

The impact of the proposed development on Custom House seen from the Liffey riverside is assessed in detail in HTLVIA in chapter 6.0 (see paragraph 6.5.1), chapter 8.0 (see paragraph 8.23), chapter 9.0 (see paragraph 9.39), and chapter 10.0 in View 5 (in Appendix 1 of this report). The setting of the Custom House has long been influenced by large-scale modern buildings but still retains its significant, historical and architectural presence by virtue of its green

4.2

dome and grand elevation facing the river. The development does not prevent either of these attributes being seen and understood.

At page 3, 'The contention within 2729/24 that the new development would serve as a landmark and entryway building for south Dublin is arguably not justified within the historical context surrounding the site, and it is argued that the Custom House dome already serves this purpose.

The dome of the Custom House is a focal point from Gardiner Street Lower and from Amiens Street Lower - this is shown to be impacted by the height and massing of the proposed development at City Quay (see Figs. 4 & 5). There is a concern that the loss of this traditional view of the dome could potentially lead to the erosion of the Custom House as a focal point in the cityscape of Dublin.'

Response: The Custom House and the proposed development serve quite different roles. The former commands river views from the south and the latter from the north. The former identifies the centre of the city as a whole in relation to the river. The latter provides a gateway building to the south part of the city at an important river crossing.

The impact of the proposed development on Custom House Dome is assessed in detail in HTLVIA in chapter 6.0 (see paragraph 6.5.5), chapter 8.0 (see paragraph 8.23), chapter 9.0 (see paragraph 9.39), and chapter 10.0 in Views 21 to 24 (in Appendix 1 of this report) where its relationship

with Gardiner Street is specifically considered. It can be seen from the views that contrary to the above assumption that a view of the dome is lost, the dome is in fact framed by the development on the left and the Georgian buildings on the right. The asymmetrical alignment of Gardiner Street in relation to the dome enables the Georgian buildings in the foreground and the development in the background to act together as a balanced frame. It is concluded that this causes no harm to the dome but has the potential to focus the view more directly on the dome.

- 3.0 Appendix 3 (Height Strategy) of Dublin City Development Plan 2022-28

4.3 At page 5, 'Section 5.0 Landmark/Tall Buildings, Table 4: Performance Criteria in Assessing Proposals for Landmark Tall Building/s and Section 6.0 Guidelines for Higher Buildings in Areas of Historic Sensitivity.'

Response: The proposed development does not fall in the category of landmark/tall buildings, this is explained in the HTLVIA in chapter 6.0 (see paragraphs 6.1-6.2, and 6A.3-6A.8, repeated below for ease).

Para 6.1 - The site allocation map for 'SDRA 6 Docklands' in Figure 13-9 of the Development Plan identifies the site for a locally higher building. The DCC development plan defines

'locally higher building' as 'buildings that are significantly higher than their surroundings and are typically up to 50 metres in height. Higher buildings can act as Local or District landmarks.'

Para 6.2 - This proposal falls into the locally higher building definition in terms of the siting, the urban design and cityscape aspects of the scheme. In essence the site has an undeniable capacity for urban density, because of its Liffey Quay location at the axis of the Talbot Memorial Bridge, landmarking the most direct entry to the southern part of the city. The form of the emerging design is both sensitive to its adjacent context and also to wider views from significant townscape locations. It is also a form which aims to adorn the cityscape and skyline with a composition of carefully devised proportions. This will ensure not only beauty and local landmark quality but also a recognisable signal of urban legibility.

Para 6A.3 - Appendix 3 of the DCC Development Plan 2022-2028 defines 'locally higher buildings' as 'buildings that are significantly higher than their surroundings and are typically up to 50 metres in height. Higher buildings can act as Local or District landmarks.' Guidance in Chapter 13 within the Development Plan relating to height for 'Strategic Development Regeneration Areas' describe that "where the planning context is suitable, locally higher buildings of greater height and landmark buildings can be appropriate, and positions for

these buildings are clearly described for key sites" with the supporting map in Figure 13-9 of the Development Plan identifying the application site as a key site for a 'Locally Higher Building'. The proposed development would enhance the skyline of the city and its local landmark quality would make a positive contribution to the existing and emerging context and the urban character as described in policy SC17 and in the assessment criteria outlined in Appendix 3 of the Development Plan. The proposed development's plan form and high quality architecture would comply with policies SC19, SC20, SC21 and SC22. Great consideration has been taken in limiting the effect of the proposed development on important views and view corridors as stated in Appendix 3 of the Development Plan. An assessment of relevant townscape views undertaken by the consultancy has been included in chapter 10.0 of this report. Its effect on the historic city centre has been assessed in detail in chapter 9.0 and on character areas in chapter 8.0 of this report. The policies are further described in the following paragraphs.

Performance criteria in assessing proposals for enhanced height, density and scale

Para 6A.4 - Appendix 3 of the Development Plan outlines the development standards required by emerging development. These design standards and criteria have been fully

considered throughout the design development and a response to the objectives set out in Table 3 of Development Plan Appendix 3 has been detailed below:

1. To promote development with a sense of place and character
2. To provide appropriate legibility
3. To provide appropriate continuity and enclosure of streets
4. To provide well connected, high quality and active public and communal spaces
5. To provide high quality, attractive and useable private spaces
6. To promote mix of use and diversity of activities
7. To ensure high quality and environmentally sustainable buildings
8. To secure sustainable density, intensity at locations of high accessibility
9. To protect historic environments from insensitive development
10. To ensure appropriate management and maintenance.

Response:

Para 6A.5 - The building form evolved through numerous iterations, where the emphasis was in creating a building of elegance, design purity and timeless quality was prioritised. The progressive evolution of the building form can be seen in detail in the Architectural Design Statement by Henry J Lyons Architects.

visual delight, urban legibility and public enjoyment. The provision of community space at ground floor and lower ground floor will make this building an asset to the community. At lower levels, the treatment of building form will enhance the approach to and from Talbot Memorial Bridge, marking an important crossing of the Liffey.

Para 6A.6 - The proposed development would represent an example of 'best practice' relating to sustainable design and green credentials. The high quality design of the building and its relationship to the existing context has been a guiding principle through the many design iterations. The environmental consequences of demolishing the existing building have also been taken into account.

Para 6A.7 - The proposed development enhances the currently decayed perimeter of the site and a revitalised public realm space around the building will be enhanced by the increased number of entrances including office entrances, and arts/cultural space for public/community use.

Para 6A.8 - One of the key purposes of the proposal is to achieve a local landmark quality which the public can fully engage with. As a locally higher building complex, the proposed development will be seen from certain parts of the city, and will, in those cases, provide

5.0 Setting, Significance and Harm

5.1	It is often said that development in relation to protected structures and conservation areas which gives rise to change or charge within the setting, as potentially constituting a harm to the assets' significance. Not all changes to setting, however, will give rise to harm, indeed the conjunction in views between a heritage asset and a new well-designed development will most likely give rise to a neutral effect or one which enhances the setting and in some cases, enhance the ability to appreciate the heritage asset's significance. Therefore, design quality plays a part in the consideration of harm to a setting and thereby significance.	5.4	Understanding and objectively articulating the significance of a protected structure or conservation area must, therefore, take place to determine what part the setting plays in contributing to that significance. This should not be taken lightly, subjectively or through personal preference but does require a degree of objective professional judgement, as well as analysis, particularly in the absence of a clear steer on significance. Ideally the role of setting as a contributor to significance would be agreed through professional consensus at the early stages of consultation.	5.8	to significance. This is further supported in the case of a new layer being of high quality design. Conversely, poor quality design and ill-considered conjunctions such as incongruous silhouettes, blocking of vistas out of and into heritage areas may harm the ability to see and appreciate the heritage asset and therefore harm significance.
5.2	There is a tendency to proclaim harm to a setting owing to visibility alone and only considering architectural design quality, where it occurs, as a balancing public benefit. This belies the purpose of architectural quality which is derived from an intention to improve the setting and therefore inherent in the design development of a scheme. This is when the visual conjunction is fully understood and taken into account at design concept stage.	5.5	Settings of protected structures that contribute to their special interest are statutorily protected, those of conservation areas are not and are only a consideration in policy terms. There may be circumstances where developments outside or alongside a conservation area may adversely affect either character or appearance by virtue of dominance or deterioration of significant views into or out of the area.		
5.3	The question of harm to significance cannot be based on mere opinion. Claims of harm must be based on a full understanding of the aspects of significance pertaining to a heritage asset which will be compromised by a development. Without such an analysis such claims are invalid. Ideally both applicant and decision-maker should agree on what aspect of significance the setting supports in a particular case and whether the proposed development compromises or supports it.	5.6	Visibility alone, in both levels of designation does not automatically constitute harm; it is what is objectively identified as the significance of the heritage asset and the degree to which that is harmed that is relevant.		
		5.7	If the profile or silhouette of a designated asset is part of its significance, the layering of a growing city seen beyond it may be considered to harm its significance, but this is likely to be just one aspect of its significance. However if the silhouette does not form part of the significance, such a layering does not necessarily constitute any harm		

APPENDIX I: KEY PROPOSED VIEWS EXTRACTED FROM HTLVIA

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW I: MEMORIAL ROAD TOWARDS CUSTOM HOUSE QUAY

Proposed

The proposal is for a prominent gateway building addressing the entrance to south Dublin on the axis of the bridge. It is achieved by the northwest corner being emphasised as a vertical element adorned with patterned glazing and closely spaced coloured fins. This portion has a distinct base of three differentiated floors with no fins and a top of two floors with widely spaced fins. To the north and east it expresses vertical elegance and slenderness. Other portions of the building are stepped back or stepped down and consist of varied fenestration treatment. This approach modifies the perceived scale where it is appropriate to respond to a smaller scale context.

Magnitude of Change

In comparison to the existing view this represents a **high** change.

Residual Effect

The commendable design quality and appropriate townscape contribution to the city gives rise to a **substantial** and **positive** effect.



VIEW I

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 3: CUSTOM HOUSE QUAY, NEAR FAMINE MEMORIAL

Proposed

The development responds through a variety of facade expressions and divisions of scale, to the surrounding townscape and riverscape. From the existing small scale of the Presbytery to that of the Church of the Immaculate Heart of Mary and of the much larger office developments occurring over the last 30 years. In all the five different elevational treatments contribute to the ten different planes of surface as an expression of multiple elements of form. That of the northwest corner exhibiting the strongest architectural expression as the focus to the Talbot Bridge axis and marking entry to the south of the city. In particular, the stepping down to the south suitably embraces the church tower and the lowest strata of fenestration relates well to the Presbytery and its neighbour.

Magnitude of Change

The change is **high**.

Residual Effect

The residual effect is **substantial** with the contextual response and design quality leads to a **positive** effect.



VIEW 3

I0.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 5: SEAN O'CASEY BRIDGE

Proposed

The development consists of a number of elements which aim to be contextual and responsive to scale of neighbouring buildings both old and new. It acts as a marker for the south landing of the Talbot Bridge and as an introduction to the more densely commercial city centre. The composition of parts, of different fenestration expression, are harmonious and are a measure of the high quality architecture deployed.

Magnitude of Change

The magnitude of change is **medium**.

Residual Effect

The residual effect is **moderate and positive**.

Cumulative Effect

There are no consented or emerging schemes visible along with the proposed development and therefore there is **no cumulative effect**.



VIEW 5

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 21: GARDINER STREET LOWER AT SEAN MACDERMOTT STREET LOWER

Proposed

The development is partially visible and steps down towards the Custom House cupola, providing a framing counterpart to the west flank of the street. Its varied expressions of facade treatment serve to reduce its apparent scale with an emphasis on the vertical corner piece but also on the lower horizontal element closest to but leaving a gap with the cupola. The design has been subtly contrived to portray a modified scale and to complement the setting of the Custom House.

Magnitude of Change

The level of change in the view is **low**.

Residual Effect

The effect is **slight** in quantitative terms and **positive** in qualitative terms owing to the high quality design.

Cumulative Effect

There is **no cumulative effect**.



VIEW 21

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 22: GARDINER STREET LOWER, NEAR GANDON HALL

Proposed

The development will introduce a new setting for the protected cupola and drum of the Custom House in this view from Gardiner Street Lower near Gandon Hall. Its stepped form and divided surfaces of varying textures provide a near symmetrical frame for the protected structure while reflecting in its parts the scale and complementary profile of houses on the west side of the street.

Magnitude of Change

The level of change remains low.

Residual Effect

The effect is moderate but positive in character owing to the care with which the design has been developed.

Cumulative Effect

There is no cumulative effect.



VIEW 22



10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 23: GARDINER STREET LOWER AT TALBOT STREET

Proposed

The development will be partly obscured by the houses on the east side of the street. The overhead electrification portal on the railway viaduct reduces the quality of the view, nevertheless the visible part of the development sits comfortably alongside the Custom House with generous sky-space around it. The varied treatment to its surfaces, in particular, give rise to a sensitive approach to scale in relation to the cupola.

Magnitude of Change

The degree of change in the view is **medium**.

Residual Effect

The effect is **substantial** but **positive** in character owing to the care with which the design has been developed.

Cumulative Effect

There is **no cumulative effect**.



VIEW 23

10.0 VISUAL IMPACT ASSESSMENT (CONTD)

VIEW 24: 63 GARDINER STREET LOWER

Proposed

In this harsher Custom House setting, the development provides a balance to the further existing layer of townscape which includes the George's Quay Plaza building. Its varied planes break down its scale.

Magnitude of Change

The change is **low** in the context of the view.

Residual Effect

The effect is **slight** but **positive** owing to the balancing effect and the high quality of architecture.

Cumulative Effect

There is **no cumulative effect**.



VIEW 24

APPENDIX 2: AUTHOR'S QUALIFICATIONS - IMAGES OF PROJECTS IN IRELAND

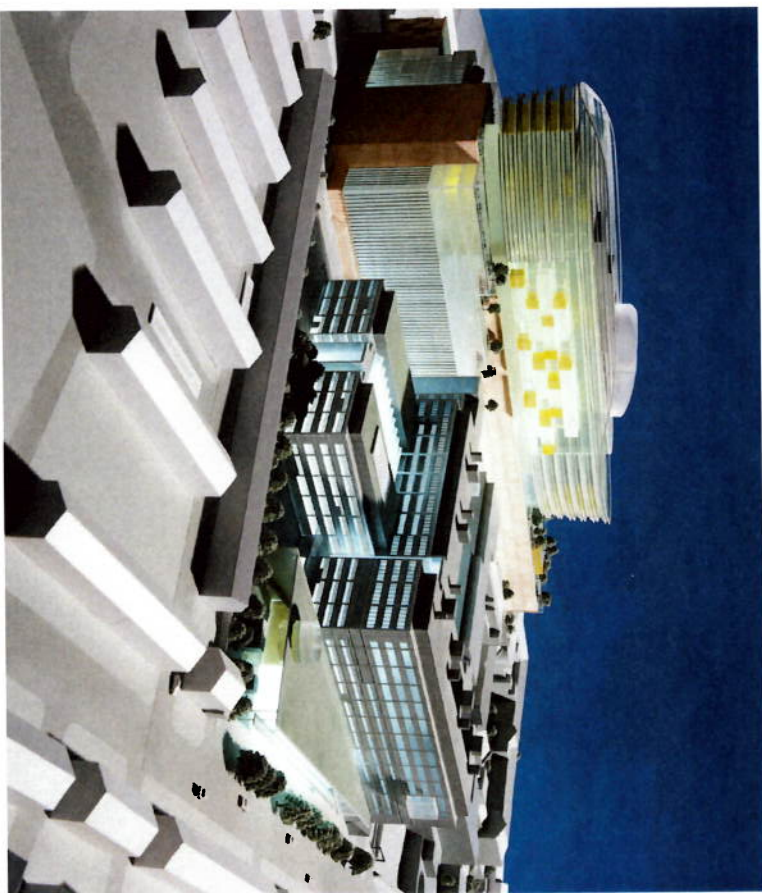
- A2.1 The following images reflect the experience of analysing projects in Ireland over a period of 18 years and complements the text at paragraph 1.1 which refers to the author's qualifications.



Clarence Hotel, Dublin (2007)



Liberty Hall, Dublin (2011)



National Paediatric Hospital, Dublin (2011)



ESB Fitzwilliam Street HQ, Dublin (2014)



Fitzwilton House, Dublin (2016)



74-75 Baggot Street, Dublin (2017)



AIB, Dublin (2017)



Spencer Place, Dublin (2017)



Tara Street, Dublin (2017)



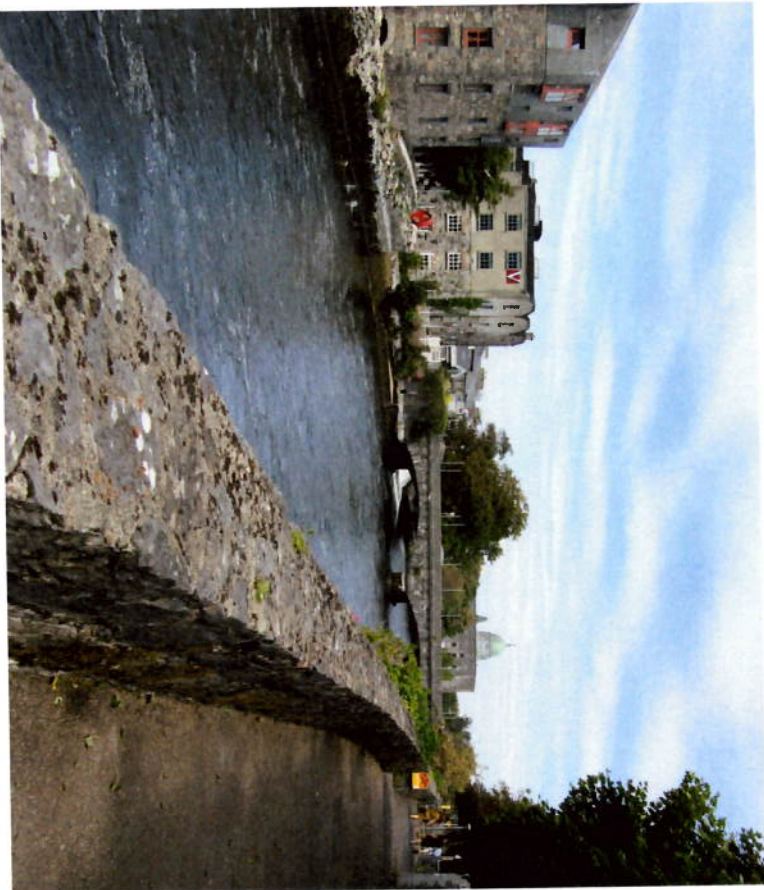
Wilton Plaza, Dublin (2018)



Albert Quay, Cork (2019)



Kevin Street, Dublin (2020)



Advice to Galway City Council (2020)



Treasury Building Annex, Dublin (2021)



Albert Quay, Cork (2021)



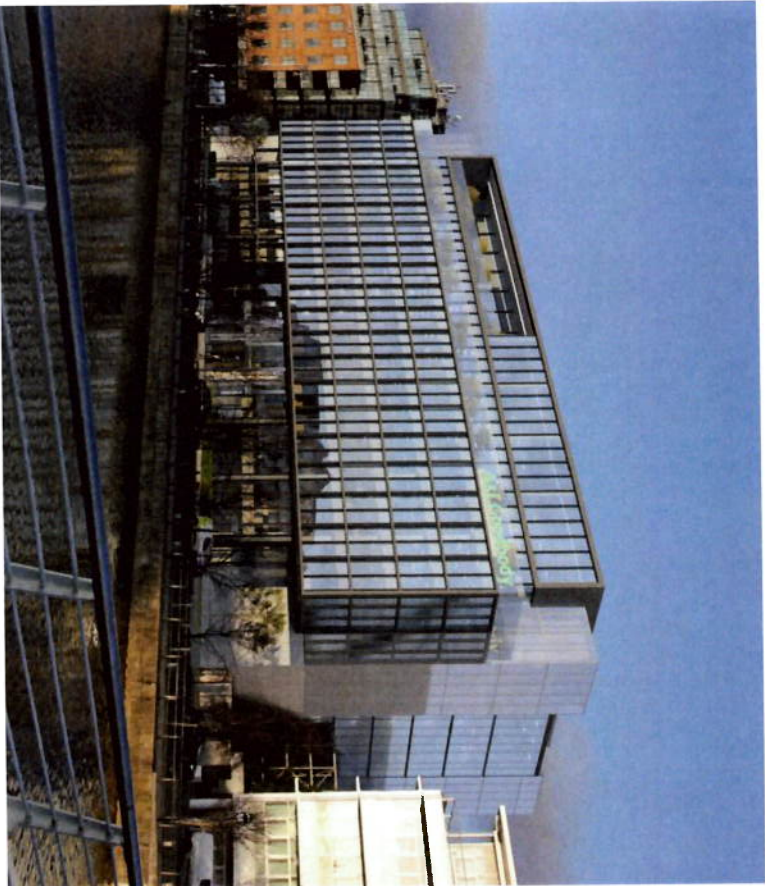
Mater Hospital Extension, Dublin (2021)



Project Waterfront (offices), Dublin (2021)



Irish Distillers Bottling Plant, Cork (2021)



25-28 North Wall Quay, Dublin (2021)



Carrisbrook House, Dublin (2021)



Raidió Teilífis Éireann (RTÉ), Dublin (2022)



Stephen Court, Dublin (2022)

August 2025

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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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.

A.0 Executive Summary

3D Design Bureau (3ddb) submitted a daylight and sunlight report for a proposed commercial development (DCC Reg. Ref. WEB2729/24) at a site bounded by City Quay, Moss Street, and Gloucester Street South. Dublin City Council (DCC) has since granted planning permission for this application.

To ensure clarity throughout this response, the development is referred to using the following terms:

- **'The Proposed Development'**: Used when referencing the scheme as described in the original 3ddb report and the Solearth appeal report.
- **'The Permitted Development'**: Used to reflect the application's current status, having been granted permission by the planning authority.
- **'The Subject Application'**: Used to distinguish this specific project from other permitted applications in the vicinity.

This document responds to appeals that have been submitted to this grant of permission regarding daylight and sunlight impacts. Both the First Party appeal lodged by Declan Brassil & Co. on behalf of St. Laurence O'Toole Trust and the Third Party appeal submitted by the Board of Management of City Quay National School raise concerns regarding daylight and sunlight impacts. Both submissions base their observations on a daylight and sunlight impact assessment report that was prepared by Solearth at the request of St. Laurence O'Toole Trust.

This response compares the findings of the Solearth report with that of the daylight and sunlight impact assessment as presented by 3D Design Bureau as part of the original planning application. When comparing one daylight and sunlight analysis with another, it is common for calculated values to differ. This can be due to variations in software, assessment models, assumptions regarding window placement, or differences in the wider context model. However, while individual values may differ slightly, the fundamental findings of correctly conducted reports should align.

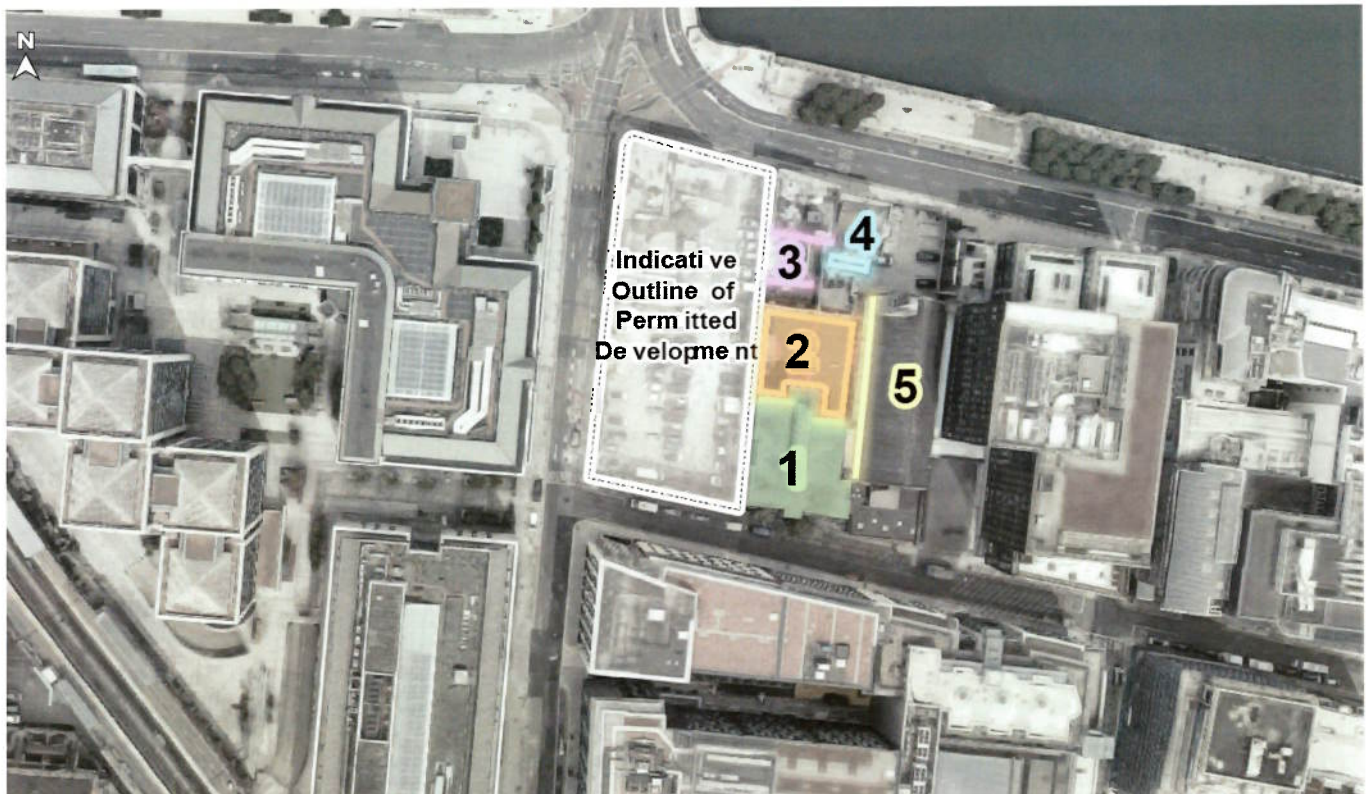


Figure A.1: Scope of surrounding properties and environment assessed.

The findings in both reports are largely consistent, confirming that the planning authority possessed sufficient and accurate information on which to base its decision to grant permission.

The properties discussed in this appeal response are indicated in Figure A.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) Immediate Heart of Mary Church - Existing facade and potential roof, windows

The report prepared by Solearth includes extracts from the 3ddb report with acknowledgment that they are the copyright of the original authors. In turn, this response will include images taken from the Solearth report, with the same acknowledgment of copyright.

1.0 Response to City Quay National School - Classrooms

1.1 VSC Impact Assessment

The report submitted by 3DDB for planning included assessment of windows on the north, west and south facade of City Quay National School. The report produced by Solearth, as part of the first and third-party appeals, focuses solely on the windows on the north facade

To facilitate a direct comparison, Figure 1.1 displays the 3DDB results from the original document, which have been filtered to show only the data relevant for comparison with the Solearth report. Figure 1.2 presents the corresponding results as published in the Solearth report.

Table No. 1.5.0 - VSC Results: City Quay National School - Rear elevation (as per 3DDB original report)						
Window Number	Baseline VSC Value	Proposed VSC Value	Ratio of Proposed VSC to Baseline VSC	Recommended minimum VSC*	Level of Compliance with BRE Guidelines	Effect of Proposed Development**
1a	16.09%	15.07%	0.94	12.87%	BRE Compliant	Negligible
1b	22.39%	13.30%	0.59	17.91%	74%	Moderate Adverse
1c	18.96%	16.86%	0.89	15.17%	BRE Compliant	Negligible
1d	29.02%	15.11%	0.52	23.22%	65%	Moderate Adverse
1e	24.22%	18.71%	0.77	19.38%	97%	Minor Adverse
1f	33.12%	17.35%	0.52	26.50%	65%	Moderate Adverse

* The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the VSC of an existing window, the value needs to both drop below the stated target value of 27% **and** be less than 0.8 times the baseline value.

** For the interpretation of level of effects please refer to "C.2 Definition of Effects" on page 23.



Figure 1.1: VSC results from 3DDB report: Highlighted areas indicate the position of assessed windows (L). Aerial view of assessed location (R)

Report Title: Daylight & Sunlight Analysis - Neighbour			DAYLIGHT			
Date of Analysis: 21/07/2025						
Window Ref.	Window Orientation		VSC	Pr/Ex	Meets BRE Criteria	
CHQ School	Sch_OFI_N_1a	1°N	Existing 15.02	0.99	YES	
	Sch_OFI_N_1b	1°N	Proposed 14.88	0.71	NO	
	Sch_1FI_N_1c	1°N	Existing 17.86	0.94	YES	
	Sch_1FI_N_1d	1°N	Proposed 16.71	0.66	NO	
	Sch_2FI_N_1e	1°N	Existing 22.60	0.78	NO	
	Sch_2FI_N_1f	1°N	Proposed 14.85	0.60	NO	



Figure 1.2: VSC results from the Solearth report



A comparison of both sets of results shows similar levels of effect. In both studies, windows '1a' and '1c' have been shown to meet the criteria of the BRE Guidelines. In both studies, windows '1b', '1d', '1e' and '1f' all show varying degrees of non-compliance with the BRE Guidelines, with '1f' being the most affected.

Crucially, the original report indicated a greater level of impact than the appeal document. This means the planning authority's grant of permission was based on a more conservative assessment than the appellant's. As such, the appeal presents no new VSC concerns that were not already considered and deemed acceptable.

1.2 Additional Daylight Impact Assessments

In addition to VSC, the recommendation made in the BRE Guidelines when undertaking a daylight impact assessment is to conduct a No Sky Line (NSL) assessment. However, regarding a No Sky Line assessment, section D3 of the BRE Guidelines states:

"The calculation can only be carried out where room layouts are known. Using estimated room layouts is likely to give inaccurate results and is not recommended."

As 3DDB did not have any information regarding the internal layout, as indicated in section 5.1 of the original report, no additional daylight impact assessments were conducted as part of the report in the original planning submission.

Conversely, Solearth, working on behalf of the school, evidently had the relevant information to conduct a No Sky Line impact assessment. This is evident by the statement in Section 6.1 of the Solearth report:

"Using design information submitted with the planning application of the proposal, and based on surveys and plans of the existing structures and outdoor spaces on the St Laurence O Toole Diocesan Toole Trust site..." (emphasis added).

Despite having the relevant information to conduct a No Sky Line assessment, this recommended assessment was not presented in the appeal report.

Instead, Solearth have based their further impact assessments on Daylight Factor (DF) and Daylight Illuminance (often referred to as Spatial Daylight Autonomy (SDA)). This is contrary to the advice given in Appendix F of the latest edition of the BRE Guidelines (BR 209, 2022), which states:

"F8- Use of the daylight factor or daylight illuminance for loss of light to existing buildings is not generally recommended. This tends to penalise well-daylit existing buildings, because they can take a much bigger and closer obstruction and remain above the minimum recommendations in BS EN 17037[F1]. Because BS EN 17037 quotes a number of recommended values for different qualities of daylight provision, such a reduction in light would still constitute a loss of amenity to the room. Conversely if daylight factor and/or daylight illuminance values in an existing building were only just over the recommended minimum, even a tiny reduction in light from a new development would cause them to go below the minimum, restricting what could be built nearby.

F9- However, there are some situations where meeting set daylight factor or illuminance target values (Appendix C) with the new development in place could be appropriate as a criterion for loss of light:

- i.** Where the existing building is one of a series of new buildings that are being built one after another, and each building has been designed as part of the larger group.
- ii.** As a special case of (i), where the existing building is proposed but not built. A typical situation might be where the neighbouring building has received planning permission but not yet been constructed.
- iii.** Where the developer of the new building also owns the existing nearby building and proposes to carry out improvements to the existing building (for example by increasing window sizes) to compensate for the loss of light. However, where there is a long-term occupier of the existing building it would be appropriate for there to be no reduction in daylight factor and/or daylight illuminance values, or at worst only a small reduction.
- iv.** Where the developer of the new building also owns the existing nearby building and the affected rooms are either unoccupied or would be occupied by different people following construction of the new building."

Solearth have justified their inclusion of an SDA impact assessment by referencing EN 17037 and Technical Annex 2E Daylight and Electric lighting, General Design Brief document suite for the design of UK schools, neither of which provide guidance on impacts to existing properties.

However, assuming that these impact assessments were carried out in good faith, 3DDB have reviewed the results of the studies that have been carried out.

1.3 Daylight Factor (DF) Impact Assessment:

While any new development can reduce daylight to its neighbours, the Solearth report fails to reference an accepted impact threshold for its chosen metric, Daylight Factor (DF).

The BRE Guidelines, however, are consistent. Although they advise against using DF for impact assessments, they repeatedly define an acceptable level of change for their recommended metrics. This benchmark is a retained value of at least 80% of the original (a ratio of 0.80), which equates to a maximum reduction of 20%.

Project Name: CQPSchool Set TestBefore				DAYLIGHT FACTOR IMPACT CLASSROOMS							
Project No.: 2515											
Report Title: Daylight Factor Analysis - Proposed											
Date of Analysis : 17 July 2025											
Floor Ref	Room Ref	Room Use	Room Area m2	Effective Area	Median DF	Area Meeting Req DF	% of Area Meeting Req DF	Before	After	Before	After
School Classrooms											
CQSch-0fl	C2_0fl_NE	Classroom	64.73	54.38	0.60%	0.50%	17.68	15.97	33%	29%	NO
	C3_0fl_NW	Classroom	57.67	47.99	0.60%	0.50%	12.73	11.93	27%	25%	NO
CQSch-1fl	C5_1fl_NE	Classroom	64.73	54.38	0.90%	0.80%	22.08	19.83	41%	36%	NO
	C6_1fl_NW	Classroom	57.67	47.99	0.70%	0.60%	15.56	13.79	32%	29%	NO
CQSch-2fl	C8_2fl_NE	Classroom	64.73	54.38	1.20%	1.00%	26.11	23.06	48%	42%	NO
	C9_2fl_NW	Classroom	57.67	47.99	0.90%	0.80%	19.00	16.62	40%	35%	NO

YES if % of area meeting req DF is greater than Req % of Effective Area

Figure 1.3: DF results from the Solearth report

Figure 1.3, taken from the Solearth report, presents the DF results in a potentially misleading way. This table provides baseline and proposed (before and after) values for Median Daylight Factor (MDF) and the percentage of the area meeting required level of daylight factor, but omits a direct comparison between them. Instead, it only states whether the recommended criteria have been achieved. As the criteria are not met in any of the assessed rooms in the baseline state, it is inevitable that they would also fail to be met in the proposed state. This pass/fail presentation therefore fails to quantify the actual impact.

To provide this comparison, 3DDB has calculated the ratio of change using Solearth's own published data (see table below). In every assessed room, the ratio of change for every metric is above 0.80. While DF is not a recommended impact assessment criterion, if the standard BRE benchmark—a reduction of no more than 20%—were applied, all rooms would be considered to have an acceptable level of impact.

Assessed room	Median Daylight Factor (MDF)			Average Daylight Factor (ADF)		
	Baseline	Proposed	Ratio of Change	Baseline	Proposed	Ratio of Change
C2_0fl_NE	0.60%	0.50%	0.83	33%	29%	0.88
C3_0fl_NW	0.60%	0.50%	0.83	27%	25%	0.93
C5_1fl_NE	0.90%	0.80%	0.89	41%	36%	0.88
C6_1fl_NW	0.70%	0.60%	0.86	32%	29%	0.91
C8_2fl_NE	1.20%	1.00%	0.83	48%	42%	0.88
C9_2fl_NW	0.90%	0.80%	0.89	40%	35%	0.88

In summary, the appellant's argument regarding Daylight Factor is flawed for two key reasons: it relies on a metric not recommended by the BRE for this purpose, and it presents the results in a way that obscures the actual, quantifiable impact. When correctly analysed, the appellant's own data demonstrates that the impact falls well within the principles of acceptability established in the BRE Guidelines.

1.4 Spatial Daylight Autonomy (SDA) Impact Assessment:

Similar to the DF impact assessment, as discussed in the previous section, the impact assessment using Spatial Daylight Autonomy (SDA) is not supported by an acceptable benchmark.

Report Title: SDA En17037 Analysis - Classrooms SDA Compared
Date of Analysis: 17/07/2025

Floor Ref	Classroom Ref	Phase	Room Use	Median Lux (300 is min) for classrooms	% of Area Meeting Req Lux (50% is min)	Change (Loss)	% of Area Meeting Req Lux Min	Change (Loss)
Ground Fl								
	C2_Ofl_NW	Before	Classroom	115	25%			
	C2_Ofl_NW	After	Classroom	90	21%	4%	54%	
	C3_Ofl_NE	Before	Classroom	111	21%		47%	7%
	C3_Ofl_NE	After	Classroom	88	17%	4%	55%	
First Floor								
	C5_1fl_NW	Before	Classroom	180	33%		46%	9%
	C5_1fl_NW	After	Classroom	145	28%	5%	86%	
	C6_1fl_NE	Before	Classroom	150	26%		65%	21%
	C6_1fl_NE	After	Classroom	120	22%	4%	76%	
Second Fl								
	C8_2fl_NW	Before	Classroom	238	42%		56%	20%
	C8_2fl_NW	After	Classroom	184	33%	9%	92%	
	C9_2fl_NE	Before	Classroom	197	34%		85%	7%
	C9_2fl_NE	After	Classroom	157	27%	7%	84%	
							75%	9%

Technical Annex 2E: Daylight and Electric Lighting, Generic Design Brief, UK Department For Education Construction Framework.

Figure 1.4: SDA results from the Solearth report

However, as shown in Figure 1.4, SDA impact table in the Solearth report does quantify the ratio of change between the baseline and proposed states.

It indicates that classroom 'CS_1fl_NW' is slightly outside of the generally accepted threshold of impacts less than 20% in the '% of Area Meeting Req Lux Min' column, but the same room shows a marginal reduction in the '% of Area Meeting Req Lux' column.

Classroom 'C6_1fl_NE' shows a reduction of exactly 20% in the '% of Area Meeting Req Lux Min' column. Again, the level of effect to this room in the '% of Area Meeting Req Lux' assessment is relatively low.

The reduction to the baseline values in all other assessments in this table are between 4% and 9%, which is well within an acceptable range.

Overall, the results shown in this study, carried out by Solearth do not identify a substantial reduction to daylight access in the affected classrooms.

1.5 Summary:

Solearth's daylight assessment of the north-facing classrooms fails to demonstrate an impact greater than that presented in the original planning application. This confirms the planning authority had sufficient information to make an informed decision, having already balanced the benefits of the proposed development against the level of impact on the school.

2.0 Response to City Quay National Schoolyard - Amenity Area

2.1 Effect Sun On Ground (SOG)

This section addresses the assertions made in the Solearth report regarding overshadowing. We will show that their assessment is unreliable by examining two key areas: fundamental errors in their 3D model, and fatal flaws in their qualitative shadow study methodology.

2.1.1 Discrepancies in the Solearth Overshadowing Model

The assertions made regarding amenity sunlight impacts and overshadowing in the Solearth report are fundamentally flawed. The ground level in the schoolyard appears to be modelled at the wrong level.

This is apparent in the images that are produced in the Solearth report, as demonstrated below:

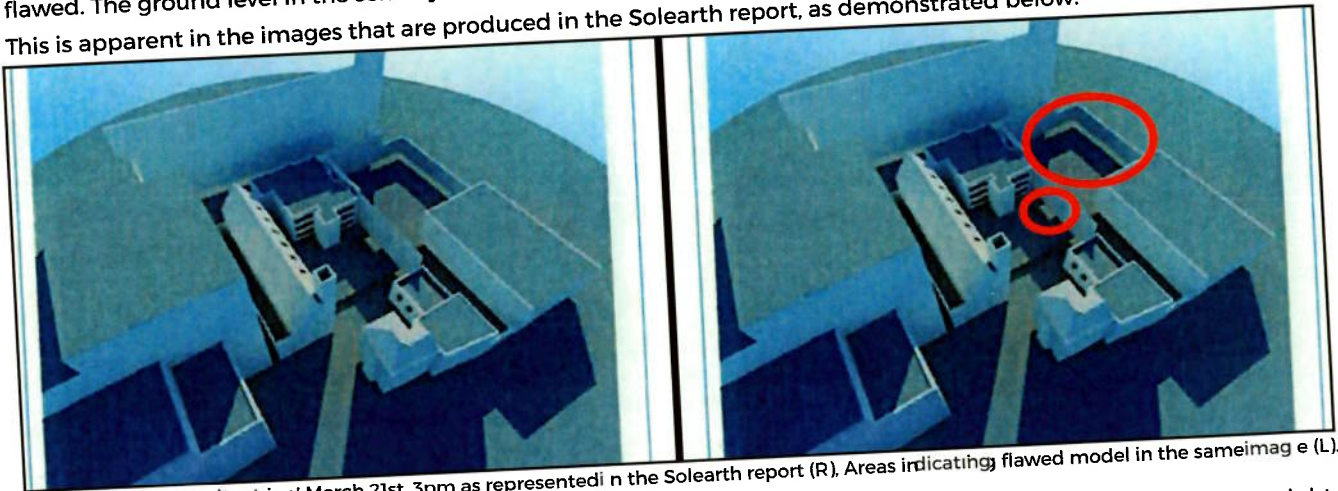


Figure 2.1: 'Existing Situation' March 21st, 3pm as represented in the Solearth report (R). Areas indicating flawed model in the same image (L).

Figure 2.1 above (left) shows the rendering produced for the 'Existing Situation' at 3pm on March 21st. On the right, this image has been repeated with red circles indicating sunlight being cast under the boundary walls. This occurrence is prevalent in many other renders within the Solearth report.

There are two likely modelling errors that would lead to this happening. Either the base of these boundary walls is incorrect (not meeting the ground plane), or the level of the plane receiving shadows is too low. Careful inspection of these images indicates that the ground plane in the Solearth overshadowing renders is too low. This is evident in a comparison between the Solearth renderings for 12 noon on March 21st and the 3DDB renderings of the same time, as shown in Figure 2.2 below.

These two images both represent the baseline model state on March 21st. The image on the left is taken from the Solearth

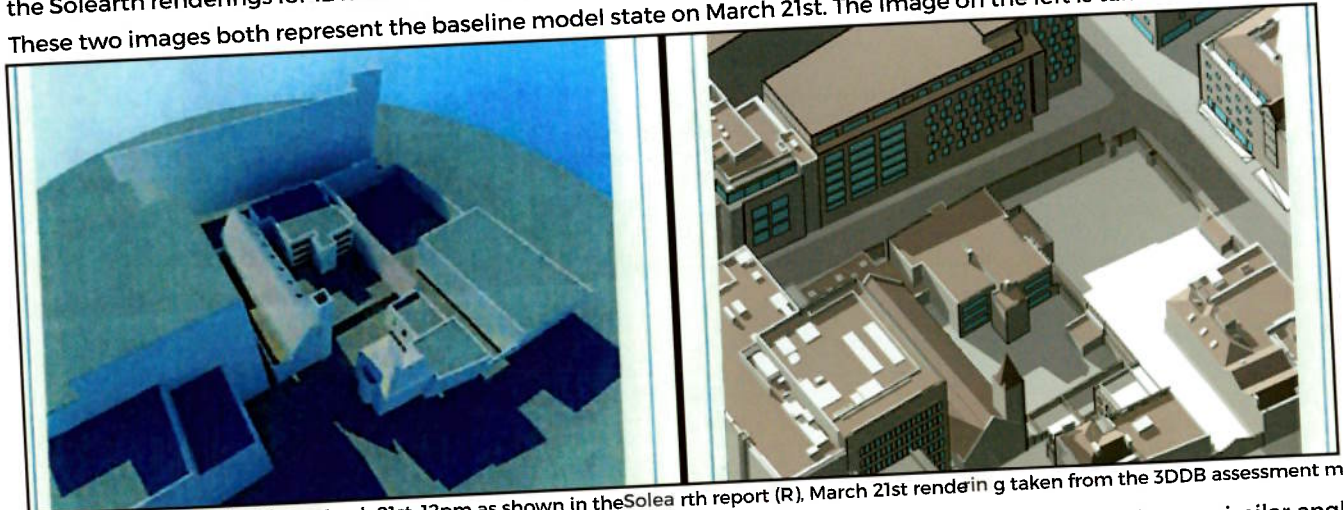


Figure 2.2: 'Existing Situation' March 21st, 12pm as shown in the Solearth report (R). March 21st rendering taken from the 3DDB assessment model (L).

report, and the image on the right has been generated from the 3D Design Bureau model, taken from a similar angle as the Solearth rendering for ease of comparison.

It has been verified in the 3DDB model that the schoolyard has been represented at approximately the correct level (+/- 250mm). In a comparison of the baseline models, the shadows cast by the school building into its own yard inevitably extend further in the Solearth rendering than they do in the 3DDB rendering. There is also further evidence of sun shining under buildings in the Solearth rendering as can be seen under the church and along the northern boundary in the rendering above.

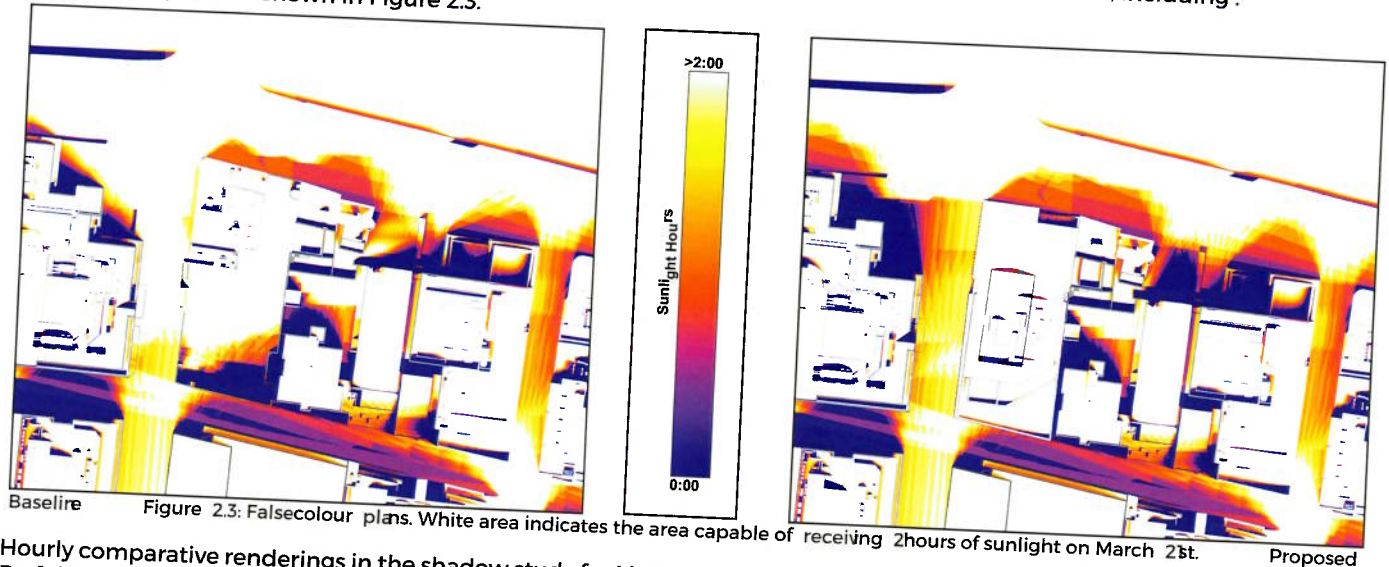
Furthermore, the Solearth context model does not include the existing structure within the schoolyard. This building is crucial in the analysis of this space, as it not only casts shadows of its own, but its footprint should not be counted when considering the area of the schoolyard capable of receiving sunlight. The creation of proper detailed analytical models is fundamental to the generation of accurate results. These modelling discrepancies are very important in the assessment of the schoolyard.

2.1.2 Comparison of Quantitative and Qualitative Findings

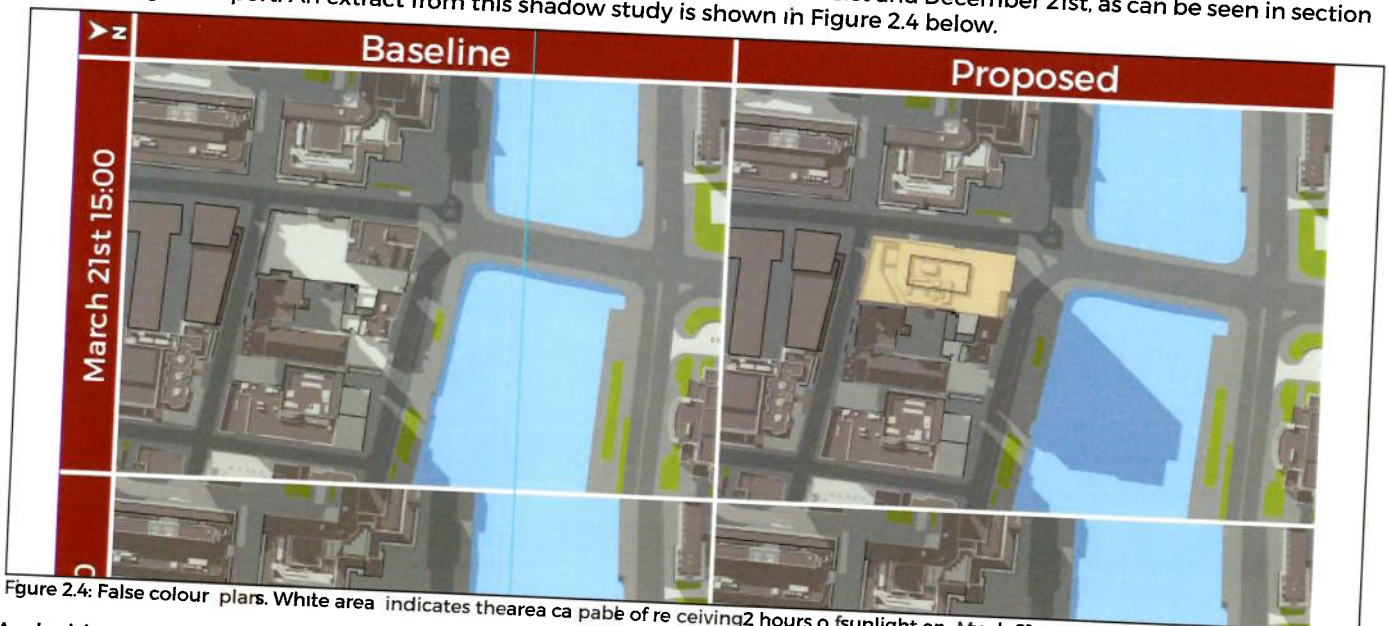
Despite these modelling differences, highlighted in the previous section, the quantitative assessment contained in section 7.2.2 of the Solearth report has drawn a similar conclusion to the original 3DDB report:

That the amenity area is not affected when compared with the criteria of the BRE Guidelines, but that a qualitative assessment of this space should also be taken into consideration.

The 3DDB report facilitates this qualitative assessment through various graphical representations, including :



Hourly comparative renderings in the shadow study for March 21st, June 21st and December 21st, as can be seen in section B of the original report. An extract from this shadow study is shown in Figure 2.4 below.



And with clear identification of the additional shadows cast at key times, as replicated in Figure 2.5 - Figure 2.7 below.



2.1.3 Issues with Solearth's Shadow Study Methodology

In relation to the standard BRE assessment for sunlight in amenity spaces, the Solearth report states:

"This is a fair way to consider spaces that are more used in the summer months such as domestic gardens and public parks. However for schools, the opposite half of the year September to March (and onward to June) is more important."

While 3DDB have no objection to this assertion in principle, the execution of Solearth's demonstration of the same is flawed.

The shadow simulations in the Solearth report compare the baseline and proposed conditions. However, as demonstrated by the following extracts, the published renders are not taken at consistent times. This is evident by the fact that projected shadows are cast in different directions between the baseline and proposed representations that are supposed to be taken at the same date and time for comparison purposes.

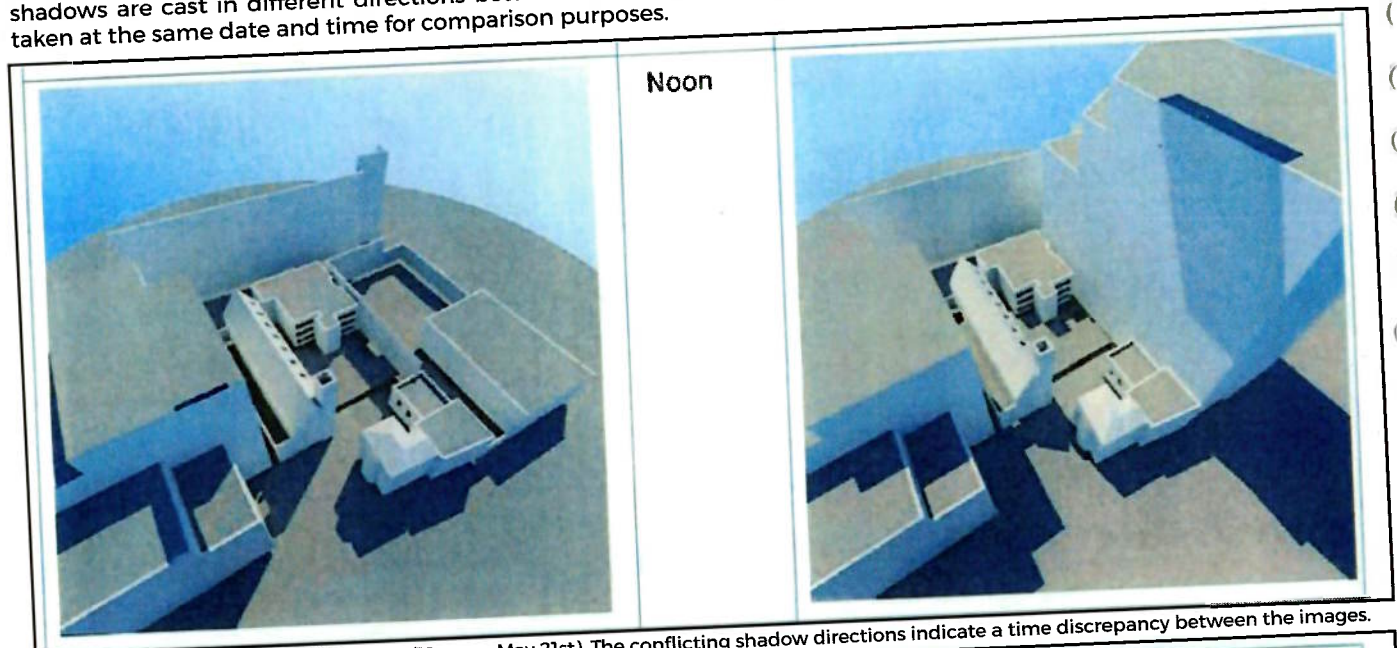


Figure 2.8: Extract from Solearth report (12 noon, May 21st). The conflicting shadow directions indicate a time discrepancy between the images.

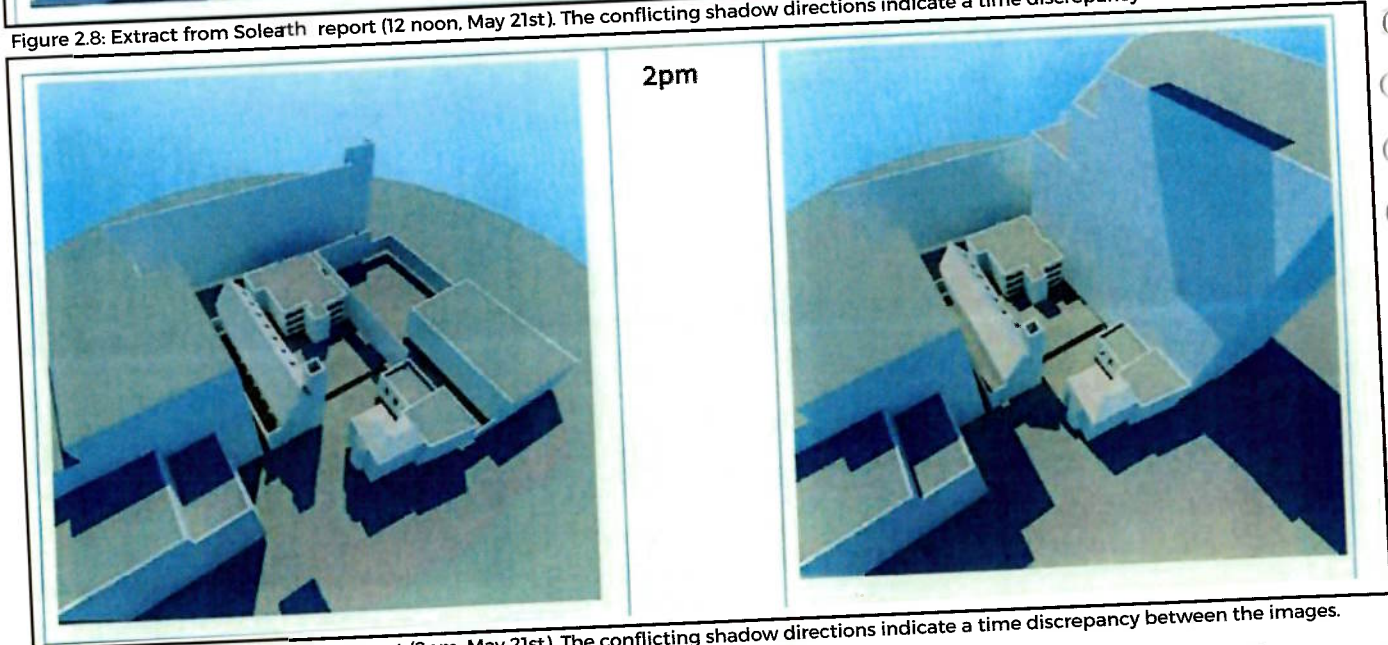


Figure 2.9: Extract from Solearth report (2pm, May 21st). The conflicting shadow directions indicate a time discrepancy between the images.

This inconsistency means that a direct and meaningful comparison between the baseline and proposed conditions cannot be made from their study.

2.2 Summary:

Even if one sets aside the flawed technical basis of the Solearth report, its own findings on overshadowing align with the original submission. This confirms the planning authority's decision was based on a correct and robust assessment, and the appeal provides no new, credible evidence to challenge that conclusion.

3.0 Response to 7 to 8 City Quay - Windows

3.1 VSC Impact Assessment

The report submitted for planning assessed the impact to daylight on 8 no. windows on the south facing facade of this property through an assessment of reduction to the Vertical Sky Component (VSC) in the existing windows. In the Solearth appeal document, only 7 no. windows have been assessed. The omitted window is identified as window '2a' in the original report. As shown in Figure 3.1 below, window '2a' is at ground floor level. Presumably this window has not been included in the Solearth assessment on the basis that it does not serve a habitable space.

To facilitate a direct comparison, Figure 3.1 displays the 3DDB results from the original document, which have been filtered to show only the data relevant for comparison with the Solearth report. Figure 3.2 presents the corresponding results as published in the Solearth report.

Window Number	Baseline VSC Value	Proposed VSC Value	Ratio of Proposed VSC to Baseline VSC	Recommended minimum VSC*	Level of Compliance with BRE Guidelines	Effect of Proposed Development**
2b	28.93%	14.30%	0.49	23.14%	62%	Moderate Adverse
2c	28.27%	16.14%	0.57	22.62%	71%	Moderate Adverse
2d	19.19%	15.37%	0.80	15.35%	BRE Compliant	Negligible
2e	31.32%	14.03%	0.45	25.06%	56%	Moderate Adverse
2f	31.08%	15.42%	0.50	24.86%	62%	Moderate Adverse
2g	30.61%	16.21%	0.53	24.49%	66%	Moderate Adverse
2h	29.86%	17.08%	0.57	23.89%	72%	Moderate Adverse

* The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the VSC of an existing window, the value needs to both drop below the stated target value of 27% and be less than 0.8 times the baseline value.
 ** For the interpretation of level of effects please refer to "G.2 Definition of Effects" on page 23.



Figure 3.1 Highlighted areas indicate the position of assessed windows (L), Aerial view of assessed location (R)

Report Title: Daylight & Sunlight Analysis Date of Analysis: 21/07/2025		DAYLIGHT			
Window Ref	Window Orientation		VSC	Pr/Ex	Meets BRE Criteria
7-8CQ_2FI_N_2d	181°	Existing	16.38	0.86	YES
		Proposed	14.13		
7-8CQextn_2FI_N_2b	181°	Existing	16.74	0.80	YES
		Proposed	13.31		
7-8CQextn_2FI_N_2c	181°	Existing	22.33	0.65	NO
		Proposed	14.42		
7-8CQ_3FI_N_2e	181°	Existing	31.03	0.47	NO
		Proposed	14.63		
7-8CQ_3FI_N_2f	181°	Existing	30.77	0.50	NO
		Proposed	15.38		
7-8CQ_3FI_N_2g	181°	Existing	30.35	0.53	NO
		Proposed	16.02		
7-8CQ_3FI_N_2h	181°	Existing	29.49	0.56	NO
		Proposed	16.61		

Figure 3.2: VSC results from the Solearth report

Both sets of results indicate that window '2d' would meet the criteria of the BRE Guidelines. The original 3DDB report indicated a 'moderate adverse' level of effect to window '2b' which is notably different to Solearth's assertion that this window meets the BRE Criteria.

Although some of the calculated baseline and proposed values differ, there is reasonable consistency in both calculated ratios of change. Overall, the 3DDB results indicate slightly higher levels of effect in all but one assessed window ('2h'). Nevertheless, the results in both reports are generally comparable.

The direct comparison of both sets of results indicates that the appeal does not present any new quantitative information on the impact on VSC across the rear elevation of this property. The planning authority had been provided with the relevant information to make an informed decision regarding the daylight impacts to this property.

3.2 APSH/WPSH Impact Assessment

Sunlight impacts were assessed through Annual and Winter Probable Sunlight Hours (APSH/WPSH) calculations. In the original 3DDB report, the APSH and WPSH results are shown in two separate tables. For ease of comparison, these results have been amalgamated into a single table as shown below.

It is in the APSH/WPSH assessments where the biggest discrepancy between the 3DDB report and the Solearth report occurs.

Table No. 3.2.3 - APSH / WPSH Results: 7 to 8 City Quay - (as per 3DDB original report)								
Window Number	Baseline APSH	Proposed APSH	Baseline WPSH	Proposed WPSH	Recommended minimum APSH / WPSH*	Ratio of Proposed to Baseline APSH / WPSH	Level of Compliance with BRE Guidelines**	Effect of Proposed Development
2b	64.49%	27.27%	16.32%	9.01%	25.00% / 5.00%	0.42 / 0.55	BRE Compliant	Negligible
2c	60.92%	31.47%	15.07%	9.95%	25.00% / 5.00%	0.52 / 0.66	BRE Compliant	Negligible
2d	35.98%	29.68%	10.26%	10.10%	25.00% / 5.00%	0.83 / 0.98	BRE Compliant	Negligible
2e	74.44%	31.78%	21.21%	11.97%	25.00% / 5.00%	0.43 / 0.56	BRE Compliant	Negligible
2f	74.20%	36.67%	21.45%	12.59%	25.00% / 5.00%	0.49 / 0.59	BRE Compliant	Negligible
2g	72.03%	36.99%	20.51%	12.59%	25.00% / 5.00%	0.51 / 0.61	BRE Compliant	Negligible
2h	67.99%	34.50%	18.73%	12.35%	25.00% / 5.00%	0.51 / 0.66	BRE Compliant	Negligible

* The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the APSH/WPSH of an existing window / room, the value needs to drop below the stated target value of 25% (annual) / 5% (winter) **and** be less than 0.8 times the baseline value **and** it has to have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

** For the interpretation of level of effects please refer to "G.2 Definition of Effects" on page 23.



Figure 3.3: High lgh ted areas indicate the position of assessed windows (L). Aerial view of assessed location (R)

Report Title: Daylight & Sunlight Analysis - Date of Analysis: 21/07/2025		SUNLIGHT									
Window Ref.	Window Orientation		Annual				Winter				Meets Both Window Criteria
			Annual	Pr/Ex	Meets BRE Criteria	Winter	Pr/Ex	Meets BRE Criteria	Loss	Meets Both Window Criteria	
7-8CQ_2FI_N_2d	181°	Existing	24.94	0.98	YES	7.30	0.93	YES	0.54	YES	
		Proposed	24.40			6.76					
7-8CQextrn_2FI_N_2b	181°	Existing	23.85	0.75	NO	7.44	0.88	YES	6.06	NO	
		Proposed	17.79			6.76					
7-8CQextrn_2FI_N_2c	181°	Existing	31.24	0.60	NO	9.40	0.74	YES	12.43	NO	
		Proposed	18.80			6.92					
7-8CQ_3FI_N_2e	181°	Existing	48.72	0.47	NO	18.65	0.48	YES	26.03	NO	
		Proposed	22.89			8.86					
7-8CQ_3FI_N_2f	181°	Existing	47.79	0.47	NO	17.72	0.49	YES	25.25	NO	
		Proposed	22.53			8.70					
7-8CQ_3FI_N_2g	181°	Existing	47.63	0.54	YES	17.72	0.54	YES	21.99	YES	
		Proposed	25.64			9.63					
7-8CQ_3FI_N_2h	181°	Existing	46.39	0.62	YES	17.09	0.55	YES	17.64	YES	
		Proposed	28.75			9.40					

Figure 3.4: APSH / WPSH results from the Solearth report

While calculated values in the same studies, in different reports often vary, these differences can typically be understood and rationalised by an experienced daylight and sunlight consultant. However, the discrepancy between the results in these two reports is considerable. Crucially, these differences affect compliance for the assessed windows on this property.

Without insight into Solearth's calculation methodology, 3DDB cannot definitively state that their APSH/WPSH results are incorrect. Instead, the following section will demonstrate the robustness of our own methodology to validate the accuracy of the results submitted in the planning application.

3.3 3DDB APSH/WPSH Impact Methodology

Impact assessments are conducted by comparing a 'baseline' condition with a 'proposed' condition. Below is an extract from the original 3DDB report that explains how the 'baseline' and 'proposed' model states were generated:

The project architect, Henry J Lyons(HJL) supplied 3DDB with a 3D model of the proposed development from which a 3D analytical model was created. A combination of survey information, aerial photography, available online photography and/or ordnance survey information were used to model the surrounding context and assessed buildings. Note: as the information gathered from online sources is not as accurate as surveyed information, a reasonable tolerance should be allowed to the placement of windows, boundary treatments and the results generated.

Baseline model state

As illustrated in Figure 3.5, the baseline model state reflects the existing environment. It includes the surrounding context and the subject site in their current standing. This includes any structures that are to be demolished as part of this application.

The BRE Guidelines recommend that impact assessments should be carried out if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal. This criteria has been used to ensure all windows that could possibly sustain an adverse level of effect have been included in the model when running VSC and APSH/WPSH assessments.

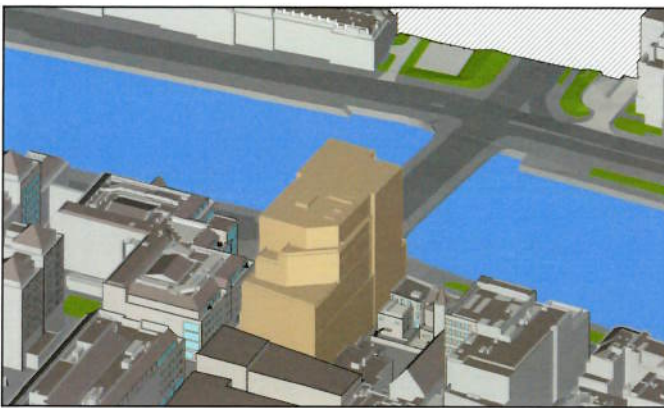


Figure 3.6: Model view of the proposed model state



Figure 3.5: Model view of the baseline model state

Proposed model state

As illustrated in Figure 3.6, the proposed model state reflects the subject site if the development is built as proposed. This includes the demolition of existing structures. Proposed buildings have been positioned in their location on the subject site with relevant surrounding context included.

All of the above information was subsequently used to prepare a digital analytical model in software specifically designed for daylight and sunlight analysis.

Relevant weather and climatic data has been obtained for this report using a localised EnergyPlus Weather File (IRL_Dublin.039690_IWEC.epw).

In the original report, submitted by 3D Design Bureau, APSH and WPSH assessments are conducted using 'Waldram Tools for Revit' which is software developed by MBS, specifically for the purpose of conducting daylight and sunlight analysis.

For APSH/WPSH impact calculations, the assessment point is taken at the centre-point of a window, or from a height of 1600mm from ground level in the case of a full height window, such as a glazed door. As stated above, a weather file is used by the software to indicate when the 'probable sun hours' will occur. A visual representation of this can be extracted from the software for each window studied. On the following page is a rendering of the 'baseline' and 'proposed' model states, taken from window '2c' of this particular study:

These renderings show the annual probable sun path superimposed as an analemma over the view from the window, distorted according to the principles of the Waldram diagram. Based on 1,000 sun positions in the Dublin weather file, summertime sun (March 21st - September 21st) is shown by yellow dots and winter sun is shown by blue dots. Vivid dots signify that the sun is visible from the assessment point, whereas muted tones indicate that sunlight is obstructed.

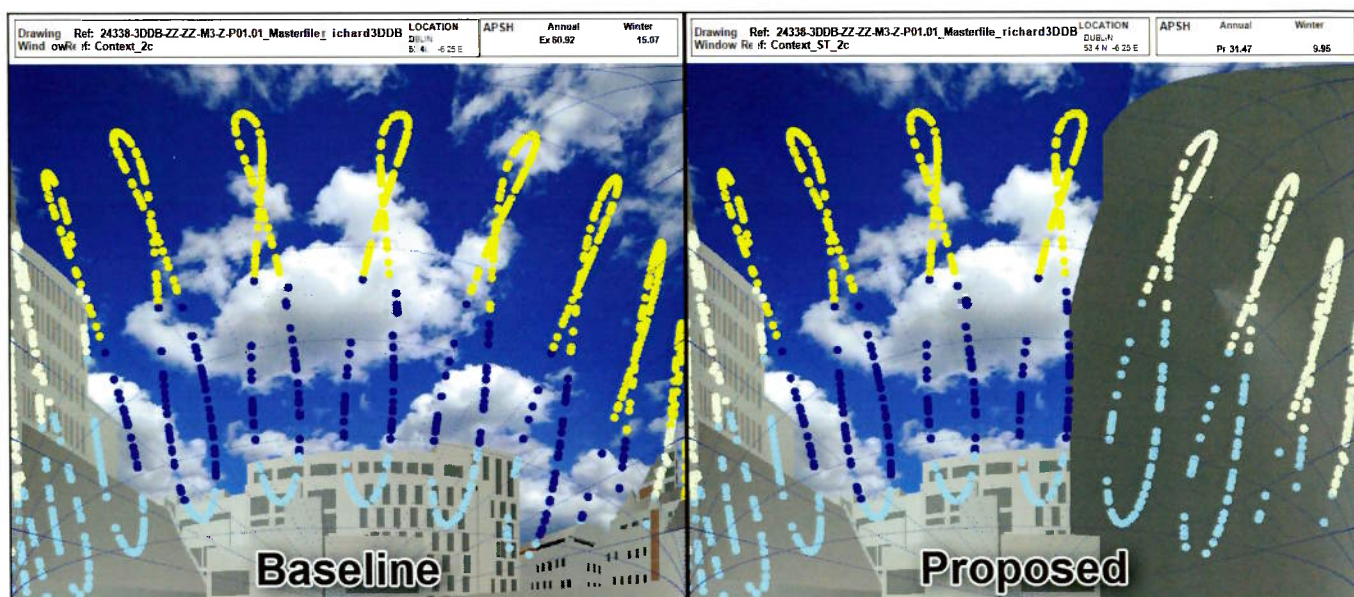


Figure 3.7: Renderings generated for 3DDB's APSH/WPSH impact assessment of window 2 c' of '7 to 8 City Quay' - Baseline (R), Proposed (L)

The assessed elevation of 7 to 8 City Quay is the south-facing rear of the building. Orientation plays an important role in sunlight assessments, as only windows facing within 90° of due south need to be assessed. In this case, 3DDB has assessed windows with an orientation of 186° (windows '2b and 2c') and 191° (windows '2d-2h'), which is an orientation of almost due south, rotated slightly to the west.

As this property is relatively unobstructed in its baseline state, a relatively high APSH value is expected. The example from window 2c, for instance, indicates a baseline APSH value that is in line with these expectations.

Conversely, the figures published for the same window in the Solearth report indicate a baseline APSH value of just 31.24%. Considering the recommended minimum is 25.00%, this value seems unexpectedly low, especially as Solearth has used a more favourable orientation of 181° for this window. Furthermore, as demonstrated in Figure 3.8, the Solearth model is missing context that would obstruct sunlight in the baseline state.

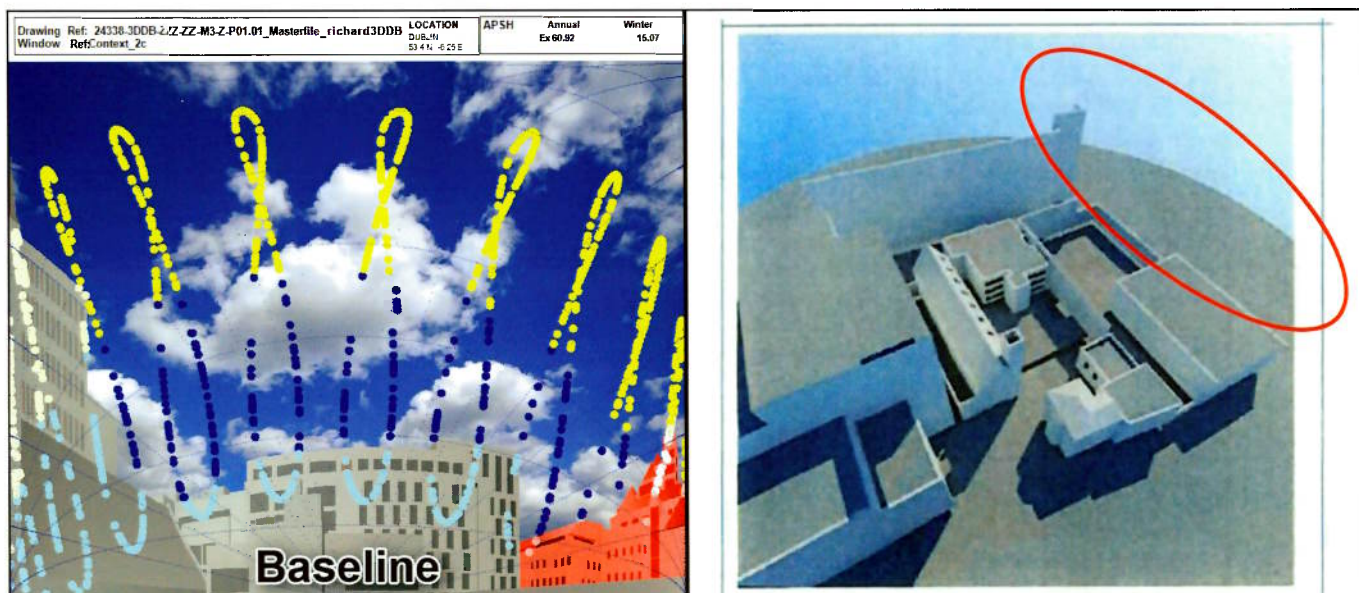


Figure 3.8: 3DDB APSH view image from window 2c with George's Quay House and 1GQ highlighted in Red (R). Solearth model view with indication of omission of George's Quay House and 1GQ from the assessment model (L).

These identifiable discrepancies between the two analytical models (a more favourable orientation and missing obstructions) should have resulted in a higher baseline value in the Solearth report. However, their baseline APSH figure is notably lower than that in the 3DDB report.

The lower figures in this situation play a crucial role in the difference between the conclusion drawn by the two studies. In the 3DDB report, the impact to APSH for these windows was categorised as 'negligible' on the basis that the windows remained above the recommended minimum level according to the BRE Guidelines. In the Solearth report, however, where baseline values are consistently lower, the recommended minimum is not achieved in the proposed state.



3.4 Impact to Sun On Ground (SOG)

The 3DDB report submitted for planning contained two external spaces associated with the former COVID-19 Test Centre at 7 to 8 City Quay. As these were not mentioned in the Solearth appeal document, they will not be commented on in this response document.

3.5 Summary:

A comparative analysis was conducted between the original 3DDB daylight and sunlight report and the Solearth appeal document, for impacts to 7 to 8 City Quay.

The assessment of Vertical Sky Component (VSC) shows that the results of both studies are generally comparable. While minor differences exist, the appeal does not present any new significant quantitative information regarding daylight impact that would alter the original conclusion. The planning authority was provided with the relevant information to make an informed decision.

However, the reports present conflicting conclusions on sunlight (APSH) impact due to a widespread difference in the calculated values. The lower baseline figures in the Solearth report are the primary reason for its finding that the proposal fails to meet BRE guidelines, whereas the 3DDB report concluded the impact was negligible. Having compared both results with the various contributing factors of an APSH assessment, 3DDB is confident that the results presented at planning represent a more accurate assessment of the sunlight impacts to this property.

4.0 Response to City Quay Parish Presbytery - Garden / vegetable growing area

4.1 Sun On Ground (SOG) Impact Assessment

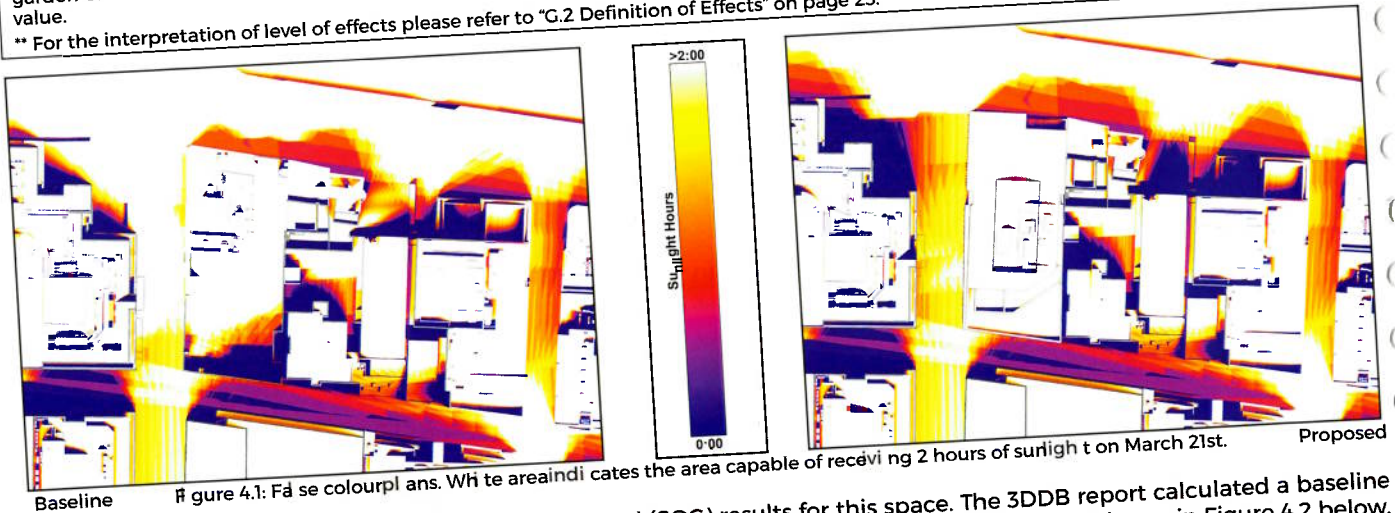
The area identified as the 'City Quay Parish Presbytery - Garden / vegetable growing area' was named the 'Presbytery Roof Terrace' in the original 3DDB report.

Table No. 4.2.3 - SOG Results: Neighbouring External Areas

Assigned Area Number	Address	% of Area to Receive Above 2 Hours Sunlight on March 21st (Target >50%)				Level of Compliance with BRE Guidelines*	Effect of Proposed Development**
		Baseline	Proposed	Ratio of Proposed to Baseline	Recommended minimum		
5	Pres bytery Roof Terrace	72.25%	71.67%	0.99	50.00%	BRE Compliant	Negligible

* The BRE guidelines state that in order for a proposed development to have a noticeable effect on the amount of sunlight received in an existing garden or amenity area, the value needs to both drop below the stated target value of 50% **and** be reduced by more than 20% of the existing value.

** For the interpretation of level of effects please refer to "G.2 Definition of Effects" on page 23.



A minor discrepancy exists in the Sunlight on Ground (SOG) results for this space. The 3DDB report calculated a baseline value of c. 72% (as indicated in Figure 4.1 above), while the Solearth report calculated 100%, as shown in Figure 4.2 below. This difference is due to a low parapet wall included in the 3DDB model which was not present in the Solearth model. Crucially, this modelling difference does not change the outcome, as both reports correctly conclude that the proposed development does not materially impact sunlight access to the area.

Project Name: City Quay Parish & School (Neighbour)
Project No.: DSA2515
Report Title: Three hours Sunlight to Amenity Analysis - Neighbour
Date of Analysis: 17/07/2025

Floor Ref	Amenity Ref	Amenity Area	Ext Area Existing	Ext Area Proposed	Ratio	Meets BRE Criteria
Ground Level	School Main Yard	Area m2	397.48	211.31	0.99	YES
		Percentage	55%	53%		
Presbytery - 1st Fl	Presbytery Roof Garden	Area m2	19.46	19.46	1.00	YES
		Percentage	100%	100%		



Figure 4.2: 'Extract taken from the Solearth report indicating Sun On Ground (SOG) impacts to neighbouring properties. Other assessments for this property, (VSC, APSP/WPSH) included in the original report, are not commented on here, as they do not form part of the appeal for this property.

4.2 Summary:

As the assessment of this space in the Solearth report does not contradict the original findings, the information available to the planning authority remains consistent and unchallenged.

5.0 Response to Immaculate Heart of Mary Church

3DDB did not include any analysis of the impact on the Immaculate Heart of Mary Church in the daylight and sunlight report that was submitted for planning.

A church is typically excluded from a daylight and sunlight impact assessment because its primary spaces do not meet the definition of "habitable" rooms as outlined in the guiding standards. While the most recent edition of the BRE Guidelines has expanded to include some non-domestic buildings. Section 2.2.2 of the BRE Guidelines states:

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

While a church, or place of worship is not listed, 3DDB accepts that the list provided is not exhaustive. It is arguable whether the main worship hall of a church falls into this category in the same way a classroom or hospital ward does. In a living room or office, a certain level of illuminance is needed on a "working plane" (a desk or table). In a church's main hall, the primary "task" is worship, which does not have the same requirement for uniform, bright light. While reading may occur, it is often supplemented by artificial lighting.

Furthermore, a church's transient occupancy for specific services differs significantly from the prolonged daily use of a home, office or school. For these reasons, and in accordance with a professional interpretation of the BRE Guidelines, 3DDB did not consider the church a sensitive receptor requiring assessment. However, since the appellant's consultant has provided a VSC analysis for the church, the following section will provide a technical review of their findings for the purpose of providing a comprehensive response to the appeal.

5.1 Solearth VSC Impact Assessment

The opening sentence in the Solearth report, regarding the Immaculate Heart of Mary Church states:

"The 6 west facing windows of the church were studied for daylight impacts;"

This implies that there are only six windows on the west facing facade, 3DDB have counted nine on this elevation. It is possible that the three most southerly windows on this elevation were omitted on the basis that the existing school forms a barrier between these windows and the proposed development. This should have been stated in the report. This point is important for two reasons:

Firstly, the omission misrepresents the true impact. The altar, as the church's focal point, is located at the southern end of the building, meaning the windows that light this crucial area were ignored. The VSC of these windows could have been used to generate an 'alternative target value' for appropriate daylight levels.

Secondly, the conclusion that "All windows of The Immaculate Heart of Mary church suffer losses in their daylight" is misleading and factually incorrect. In addition to the three unassessed windows on the western elevation, windows on the north, east, and south facades would also be unaffected. The conclusion should have been limited to state that 'all assessed windows are affected'.

Furthermore, in terms of a precedent for accepted impact to a church, one needs to look no further than the east elevation of Immaculate Heart of Mary Church. In March 2016 permission was granted for the construction of a five to nine storey, mixed-use building (DCC Reg. Ref. 2407/15), known as "The Grant Thornton Building". Although this development is not as tall as that of the subject application, it is in closer proximity to the church. Consequently, as demonstrated in Figure 5.1, The Grant Thornton Building has a far greater impact on the windows of the church than the subject application.

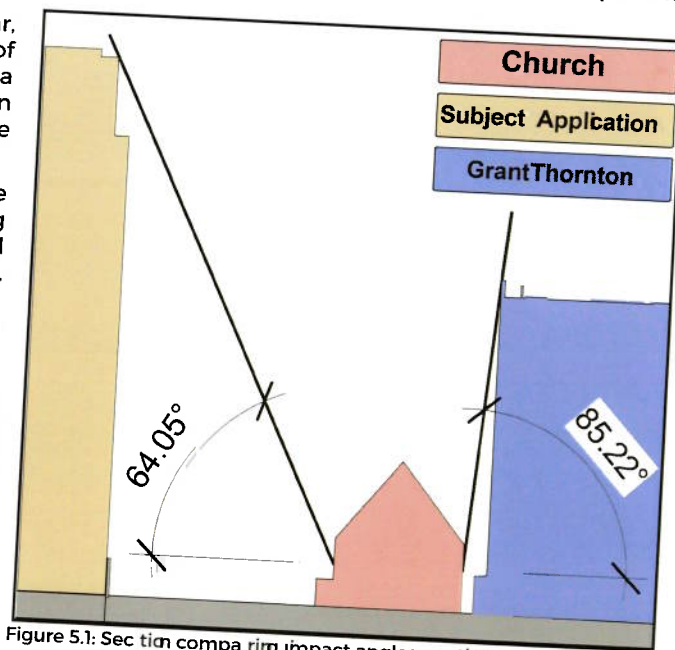


Figure 5.1: Section comparing impact angles on the church: Subject Application vs. Grant Thornton Building

5.2 Summary

A review of the VSC assessment of the church confirms that some daylight reductions will occur. However, the appellant's report misrepresents the overall impact due to several critical flaws: it is based on an incomplete window count, its conclusion incorrectly refers to 'all windows' instead of only those 'assessed', and it fails to contextualise the impact against the more severe, and already present, effects of the adjacent Grant Thornton Building.



6.0 Conclusion

This report has provided a detailed technical review of the daylight and sunlight assessment prepared by Solearth, which formed the basis of the appeals against the grant of planning permission for the subject application (DCC Reg. Ref. WEB2729/24). A comparative analysis of the Solearth report and the original 3D Design Bureau (3DDB) report submitted with the planning application has been undertaken for each of the properties addressed in the Solearth report.

The review confirms that where the assessments are comparable, the findings of both reports are broadly consistent. In the Vertical Sky Component (VSC) assessments for City Quay National School and 7 to 8 City Quay, and the Sun on Ground (SOG) assessment for the Presbytery Garden, the Solearth report does not present any new, significant quantitative information that would challenge the basis of the planning authority's decision. In the case of the school, the original 3DDB report presented a more conservative, greater level of impact, confirming that the authority was fully informed. However, where the Solearth report diverges, it is undermined by a series of significant and demonstrable flaws in its methodology, analytical modelling, and presentation of data. These flaws include:

- **Fundamentally Flawed 3D Models:** The overshadowing model for the schoolyard contains critical errors, including an incorrect ground plane and the omission of an existing building, rendering its qualitative shadow study unreliable.
- **Use of Inappropriate Metrics:** The use of Daylight Factor (DF) and Spatial Daylight Autonomy (SDA) to assess impact on the school is contrary to the recommendations of the BRE Guidelines. Furthermore, a correct analysis of Solearth's own data using established BRE principles shows the impact to be within an acceptable range.
- **Inconsistent Baseline Calculations:** The conflicting conclusions on BRE compliance for 7 to 8 City Quay stem directly from a major divergence in the baseline APSH assessment. The Solearth report's baseline figures are notably low, especially given identifiable factors in their model, such as the omission of existing context buildings and the use of a more favourable orientation. This difference in the baseline value is the primary driver of the conflicting findings.
- **Incomplete and Misleading Analysis:** The assessment of the Immaculate Heart of Mary Church is based on an incomplete window count, omitting those which light the altar, and its conclusion misleadingly implies all windows are affected. It also fails to contextualise the impact against the more severe and permitted precedent of the adjacent Grant Thornton Building.

In summary, the Solearth report fails to provide any credible, robust, or accurate evidence to suggest that the original daylight and sunlight assessment was deficient. Its conclusions are based on flawed models, the use of inappropriate metrics, and an incomplete analysis.

Therefore, it can be definitively stated that the planning authority was provided with sufficient and accurate information by 3DDB to make an informed and balanced decision. The appeals present no new, valid technical grounds to challenge that decision on the grounds of daylight and sunlight impacts.

G.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 SRDCGS 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' (SRDCGS), 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.



H.0 Glossary

H.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 or cumulative state. For a definition of the model states used in the analysis carried out in this report, please refer to section 3.3 on page 13.

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 300mm from the room boundaries under BR 209 criteria, and 500mm 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.

H.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."

Assuch, 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 (-).

