

File With _____

SECTION 131 FORM

Appeal NO: ACP-323120-25Defer Re O/H ☐Having considered the contents of the submission dated 29/09/25 received fromSt. Lawrence O Toole Trust 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 Goady LawlorDate: 02/10/25

For further consideration by SEO/SAO

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

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP 70 - Section 131 notice enclosing a copy of the attached submissionto: _____ Task No: 453551-25Allow ^{17 days} ~~2/3/4 weeks~~ - BP 70EO: Laura Goady LawlorDate: 02/10/25AA: Jan KellyDate: 08/10/2025

* Re-circulated on 8th Oct 2025 due to printing issue. A/d responses: 24/10/25 Laura Goady Lawlor
 Jan Kelly - 08/10/2025 08/10/25

File With _____

CORRESPONDENCE FORMAppeal No: ACP - 323120-25

M _____

Please treat correspondence received on 29/09/25 as follows:

1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP 233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with BP _____

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Response to S. B1 notice rec. from St. Lawrence O'Toole Trust.**4. Attach to file**(a) R/S ☐(d) Screening ☐(b) GIS Processing ☐(e) Inspectorate ☐(c) Processing ☐**RETURN TO EO** ☐

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Laura Gandy Lawlor</u>	AA: <u>Tom Kelly</u>
Date: <u>02/10/25</u>	Date: <u>08/10/2025</u>

Catherine Flynn

D. Kelly

From: Declan Brassil <declan@dbcl.ie>
Sent: Monday 29 September 2025 10:46
To: Appeals2
Subject: Third Party Response - ACP-323120-25
Attachments: City Quay Appeal Response-29.09.2025.pdf; Appendix 1-Response to Appeal Response-Solearth.pdf

Laura

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam

Please find attached herewith a Third Party submission on behalf of St. Laurence O'Toole Trust, and The Administrator of the Parish of the Immaculate Heart of Mary, City Quay, Dublin 2, in response to an invitation from the Commission to respond to a submission made on behalf of the First Party to the appeal, dated 8 September 2025.

I trust that this is in order, and I would appreciate if the Commission could confirm receipt of this email by return.

Kind regards

Declan

Declan Brassil

Principal

Declan Brassil + Company

Chartered Planning Consultants

Lincoln House, Phoenix Street, Smithfield, Dublin 7, D07 Y75P

Tel: 01-8746153

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

29 September 2025

Re: Third Party Appeal- Dublin City Council – Notification of as Decision to Grant Permission for construction of an office building up to 14 storeys in height over a double basement including arts and cultural spaces; associated car and bicycle parking; all ancillary and associated works to facilitate the development at 1-4 City Quay, 5 City Quay and 23-25 Moss Street, Dublin 2

Applicant: Ventaway Limited

DCC Reg. Ref.: WEB2729/24

ACP Ref.: 323120-25

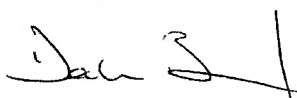
Dear Sir/Madam,

This submission is made on behalf of St. Laurence O'Toole Trust, and The Administrator of the Parish of the Immaculate Heart of Mary, City Quay, Dublin 2, in response to an invitation from the Commission to respond to a submission made on behalf of the First Party to the appeal.

The Third Party's grounds of appeal primarily relate to concerns regarding the impact of the proposal on the amenities of their properties, particularly with regard to daylight and sunlight, by reason of the height, massing and the proximity of the proposed development. The appeal was accompanied by a Daylight and Sunlight Impact Assessment Report prepared by Solearth in respect of the impact of the proposed development on the Third Party's properties. The First Party submission includes a detailed response to that Impact Assessment Report. Solearth has undertaken a review of that response and has prepared a technical response, attached herewith as Appendix A.

I trust the Coimisiún will afford due regard to the attached, and I look forward to a favourable decision in due course.

Yours faithfully



Declan Brassil
Declan Brassil & Co.

Directors:
Declan Brassil &
Sharon Gorman

Reg No.:
329512

Appendix A:

Response to Daylight and Sunlight Issues prepared by Solearth

3rd Party Commentary On 1st Party Response to Appeal Daylight and Sunlight Assessment

26 Sept 2025

This Document is a summary response to the 1st party applicants response to our 3rd party appeal dated 25th August 2025 forwarded to the appellant by An Coimisiun Pleanala on September 8th 2025. It will address the commentary on daylight and sunlight assessment in that document.

Overview

At the outset it must be stated that the overarching comments on page 31 onwards of the rebuttal report attempts to dismiss the appellants daylight and sunlight assessment by characterizing it as fundamentally flawed in totality. In fact the detailed rebuttal by the 1st party's daylight and sunlight assessors themselves (3DDB), beginning on page 58, makes no such overarching assertions, confining themselves to particular criticisms of specific results or individual aspects of procedure.

One may be entitled to disagree with our procedures but we totally refute the assertion that our report was fundamentally flawed.

Daylight and sunlight assessment is fundamentally about the comparison between a before and after situation. Consultants and experts may differ as to which are the most pertinent metrics and methodologies to use in such assessments but once a consistent set of models, that are represented identically (other obviously than the changes comprising the proposed new building), are used in the before and after scenarios and the assumptions and methodologies are explained clearly, then any assessment has value and it's findings should be considered on their own merits.

The 1st party response states that in many instances the appellant's consultant's findings and theirs are broadly similar and that is true. It also states that where they differ, it is due to errors on our part either of metric measured, methodology utilised, standard followed or misleading interpretation of results. They also assert that for some areas of divergence, the discrepancies arise because our 3d models are flawed. Our appeal also contain assessments (the church and the classrooms internal daylight level) that they did not include, and they question their inclusion, our methods or results. We will address below the applicants questioning of their validity but note that in all these cases the applicants position is that none of these findings should now be considered new information for the planning inspectors. We refute this position.

The applicants state that because of only minor discrepancies between their submission and the appeal submission, or for reasons of the inadmissibility of some of our findings, no valid new information has been presented and therefore the planning authority was in possession of the full facts at the time of making the decision to grant permission.

We submit that this is irrelevant and that it is up to An Coimisiun Pleanala (ACP) to assess the application and appeal on its own merits and from first principles, and so to make their own judgment

as to the results, interpretations and procedures followed in the appellants daylight sunlight assessment submission (and indeed this submission).

Applicants Conclusions Addressed

By way of addressing the applicants response and assertions, we include hereunder the applicants conclusions (page 72 of 1st party response to appeal) and our response to them.

Fundamentally Flawed 3d Models – Sun On Ground to schoolyard;

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

Two points are relevant here:

1. Neither assessor has the same information on which to base their models as the other:
 - The applicants don't know the sizes, levels, materials or internal layouts of the Parish's buildings so have had to derive interpolate and assume same in their models. They do however have or should have access to digital versions of the applicants drawings or indeed their full 3D models (and of professional surveys of the surroundings) meaning they can measure and model every aspect of the proposal to a highly accurate level of detail.
 - The appellants don't have the architects 3D design models and so have had to make our models based on the PDF drawings of the proposal downloaded from the planning website. With PDF versions of the proposal drawings it is only possible to accurately take levels, positions and dimensions where they are specifically annotated, which by definition cannot be exhaustive. Thus the applicants 3D models must by definition interpolate where information has not been annotated.
 - Therefore there will almost unavoidably be some differences between the detail of the 3D the models utilised.
2. Because daylight / sunlight assessment is i) a before and after comparison and ii) concerned with relative changes in daylight or sunlight levels, what is important is not whether the models of the applicant and the appellant are the same, but that both have used the same model in their before and after simulations (other than the existing and proposed buildings geometries replacing each other). It is not disputed that the appellant consultants (Solearth) have used the same model for their before and after comparison and therefore our finding are accurate.
 - The applicant has pointed out that in the shadow diagram there is a discrepancy in 2 of 14 image set between the before and after shadow directions which should be the same. They suggest that because of this the model is flawed and comparison impossible. We accept that two images were incorrectly inserted in the table. A balanced review of all other image set however shows that the models are consistent. This error is one of presentation not of assessment and does not call into question in any substantive way the finding of this part of the report. These images have been corrected and are included in the updated table in the Appendix below.

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

Use of inappropriate metrics - Classrooms

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

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

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

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

Inconsistent baseline calculations -Sunlight (a&wPSH) to 7 and 8 City Qy

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

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

Therefore our findings on this matter are accurate.

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

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

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

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

Restatement of our significant findings

Having addressed the applicant attempts to undermine our assessment, we will revisit them hereunder, updated where relevant.

Amenity sunlight to School.

The applicants consultant (3DDB) makes the point that the reduction in amenity sunlight is within the parameters considered not noticeable / acceptable by the BRE 209 document. We would state again that the assumptions in the BRE methodology for amenity sunlight favor summer months (March to September). Our point is that the months from September to March are far more important to a schoolyard and any loss of sunlight to the schoolyard in those months is critical. The 3DDB report did note that 2 shadow images were flawed and thus attempted to dismiss our evaluation. We accept that that two images was inserted in the table mistakenly but would submit that the same point was supported by many other image sets in the same table and we contend that our point still stands.

Daylight to School Classrooms:

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

All of these 6 classroom suffer losses in daylight performance measured as daylight factor DF and as spatial daylight autonomy SDA due to the new development. It should be noted that while none of the classrooms do, in their current format enjoy sufficient daylight (which should be at least 2% DF) and least 300 lux over 50% of the area according to Technical Annex 2E Daylight and Electric Lighting), the proposed project worsens their daylight level considerably. While future potential development of the school site as a more modern school could, with higher floor to ceiling heights

potentially reach target DFs, were the building on the development site more modest in height, the development as proposed will preclude this into the future.

Number 7 and 8 City Qy

The paragraph above regarding exclusion of Georges Quay House in our 3D models address the applicant's consultant's (3DDB)'s attempt to dismiss our findings on this buildings daylight and sunlight impact.

We restate here 4 to 5 of the 7 window studied suffer noticeable losses to daylight and or sunlight as defined in BRE 209 (2022) which also impairs much of their potential for future redevelopment due to the proposed project by the applicant.

Immaculate Heart of Mary Church

The church suffers significant reduction in daylight to all 6 of its west facing windows, it's only windows currently able to access good daylight due the that gradual incursion of much taller buildings on all other sides of it.

Appendices

1 Justification for excluding Georges Qy House

The justification for excluding Georges Qy House from 3D models (re: studies of 7- 8 City Qy) is found in BRE 209 section 3.2 (below) showing (highlighted) the criteria for excluding building whose angle to the windows studied is less than 25 degrees

3.2 Existing buildings

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

3.2.2 Obstruction to sunlight may become an issue if:

- Some part of a new development is situated within 90° of due south of a main window wall of an existing building (Figure 27)
- In the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (Figure 14).

Distance Assessment

Distance paths to scale on Google Earth (see measurements in metres on images):

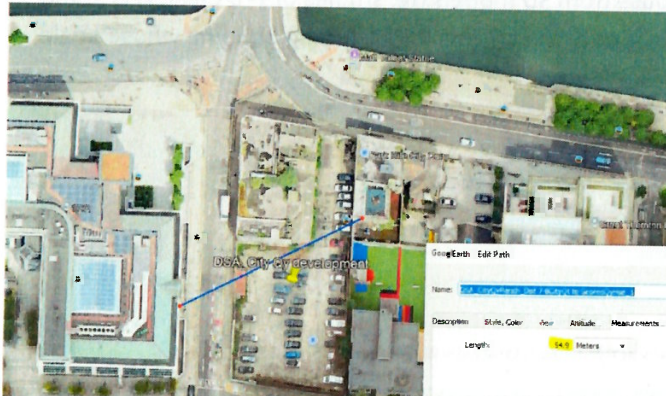
- 1 Return 7-8 City Qy (it's nearest point) to Georges Qy House (along shortest line)



2. Main block of 7-8 City Qy to Georges Qy House (along most unobstructed line)

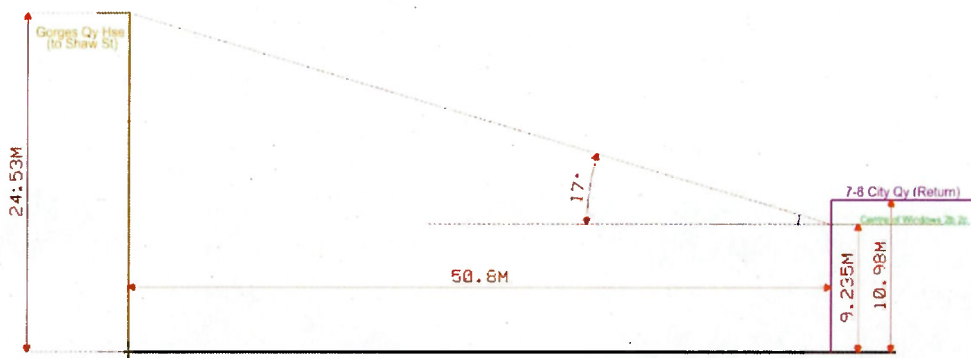


3 return of 7-8 City Qy to Georges Qy House (along most unobstructed line)

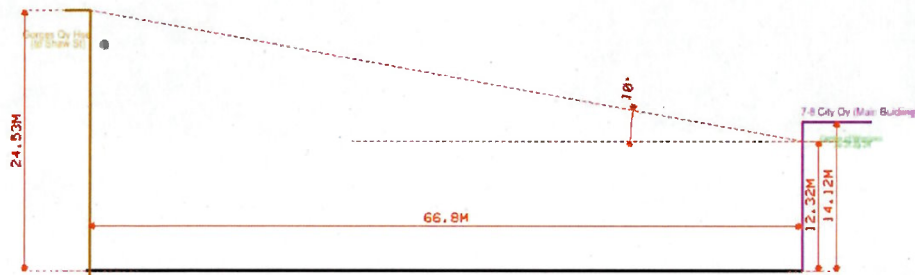


Height difference and angle assessments:

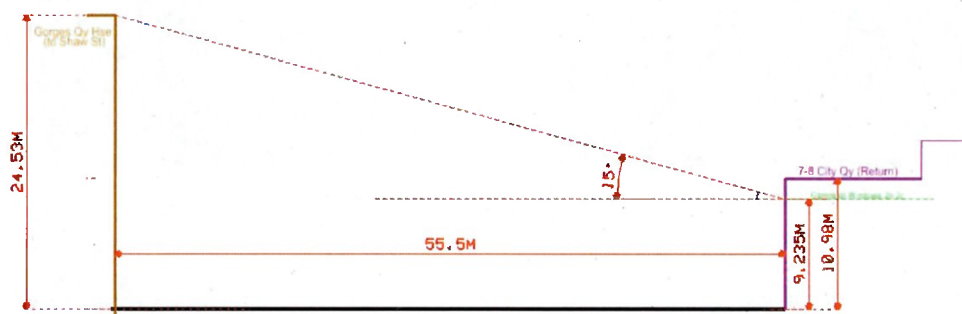
1 Angle between windows on 7-8City Qy's return (nearest) and parapet of Georges Qy House along shortest line is 17 degrees ie significantly less than 25 degrees.



2 Angle between top storey windows (main block of 7-8 City Qy) and parapet of Georges Qy House along most unobstructed line is 10 degrees ie significantly less than 25 degrees.

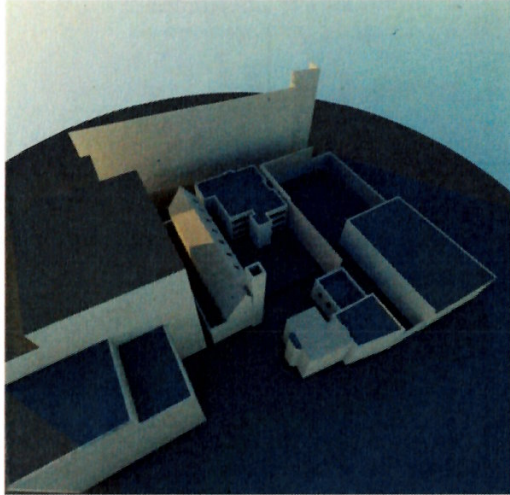
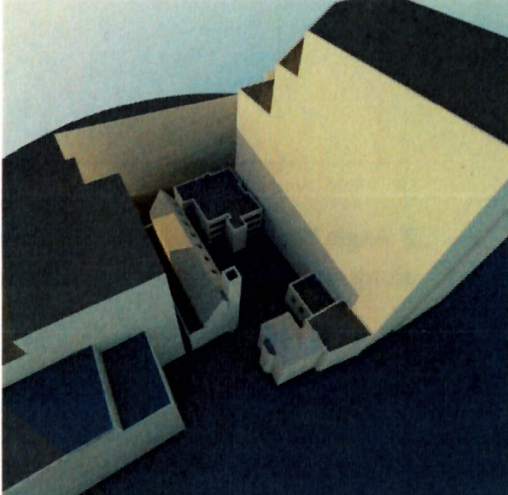
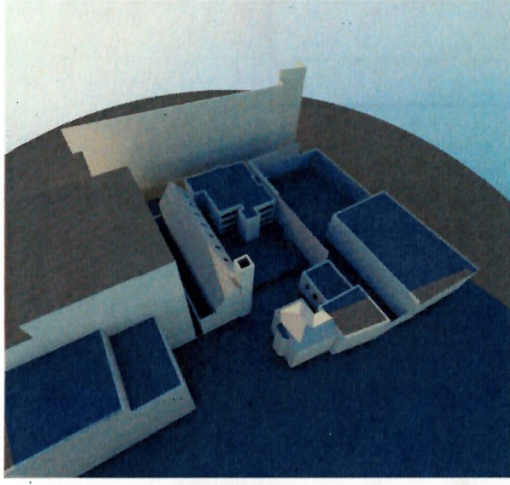
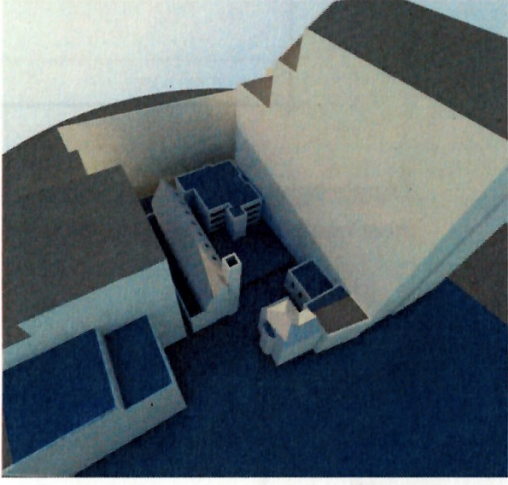
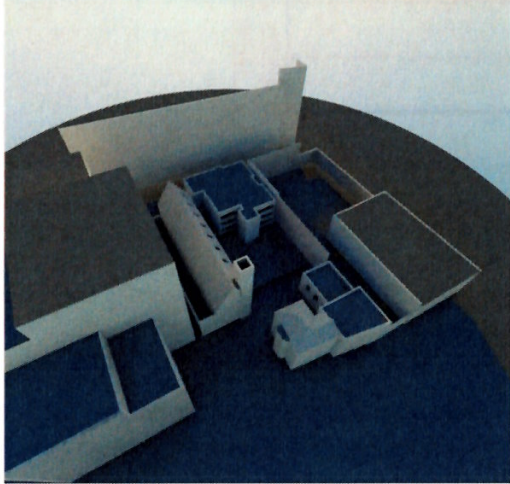
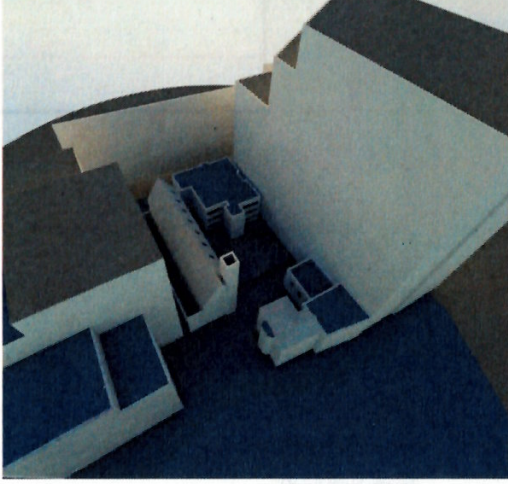


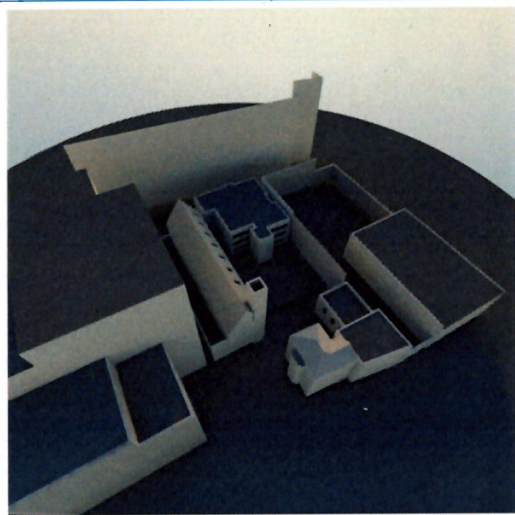
3 Angle between 2nd storey windows (return of 7-8 City Qy) and parapet of Georges Qy House along most unobstructed line is 15 degrees ie significantly less than 25 degrees



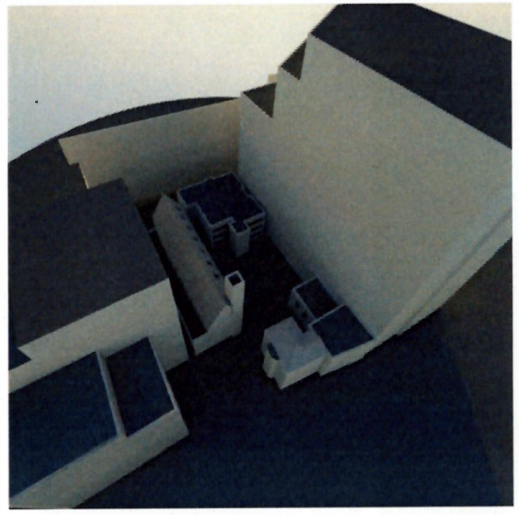
2 Overshadowing

The shadow diagrams hereunder illustrate the affect before and after the development on sunlight access to the schoolyard on various key dates and times throughout the year. (Corrected images highlighted)

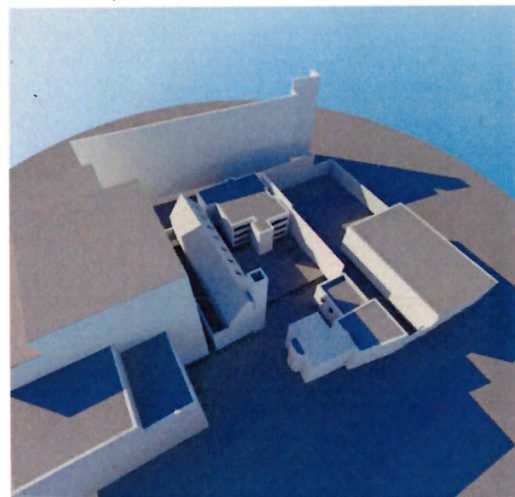
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December 21 st		
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	Noon	
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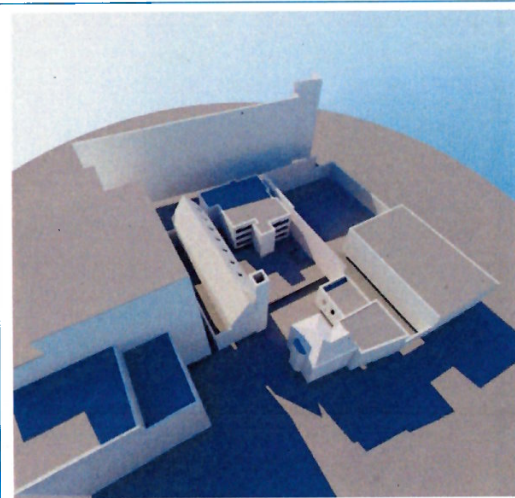
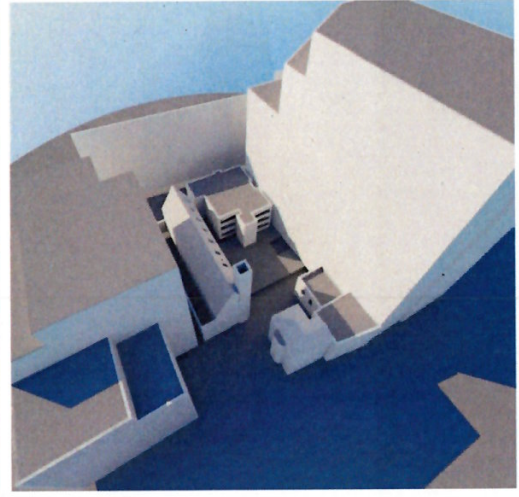
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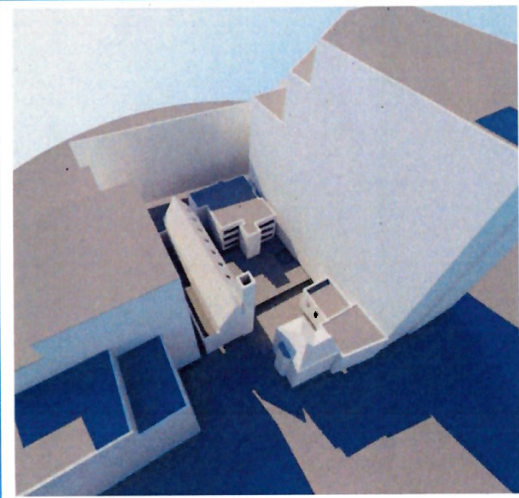
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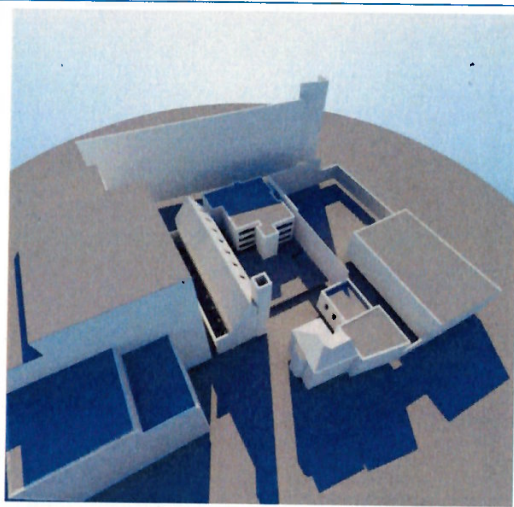


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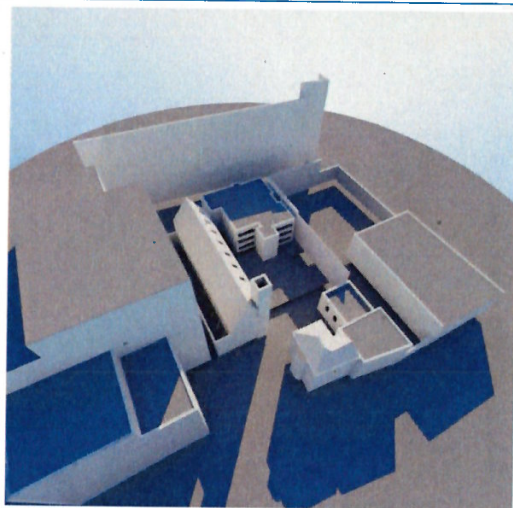
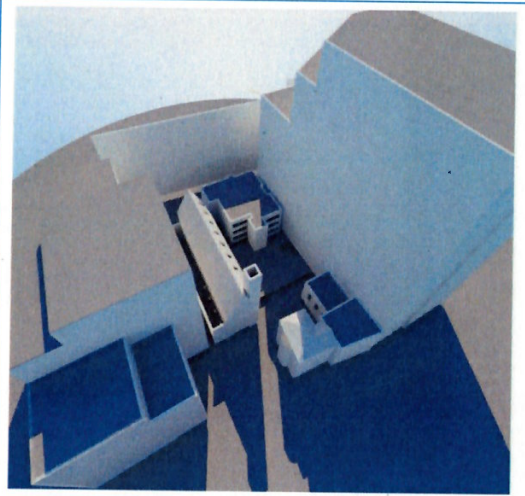


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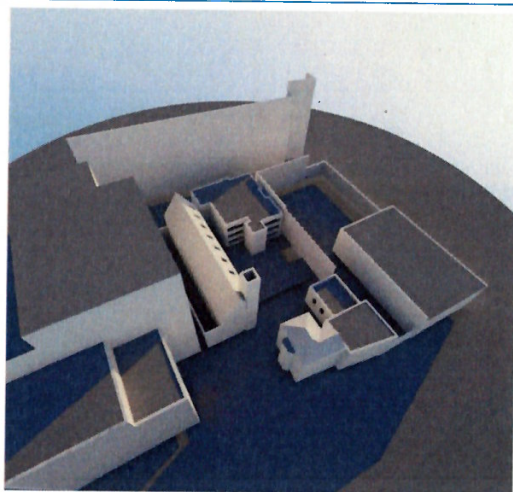
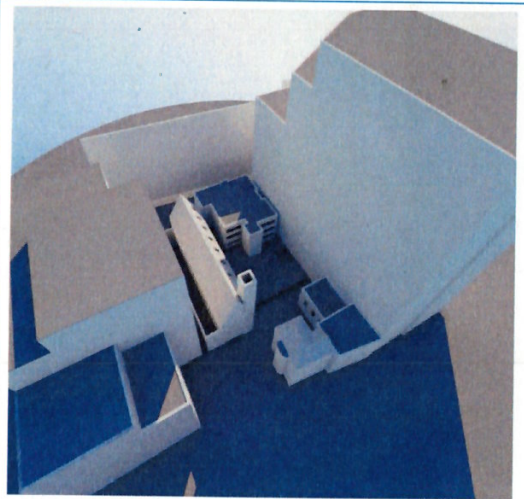




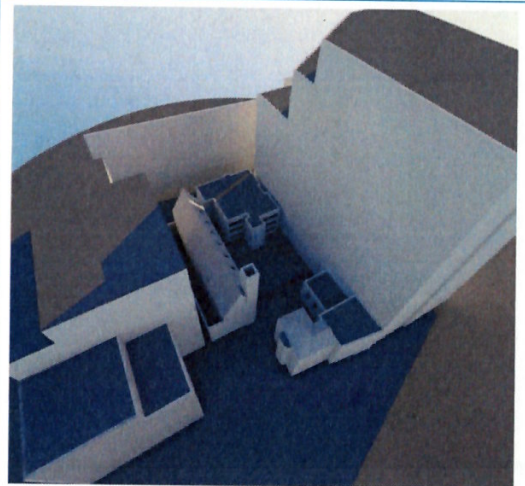
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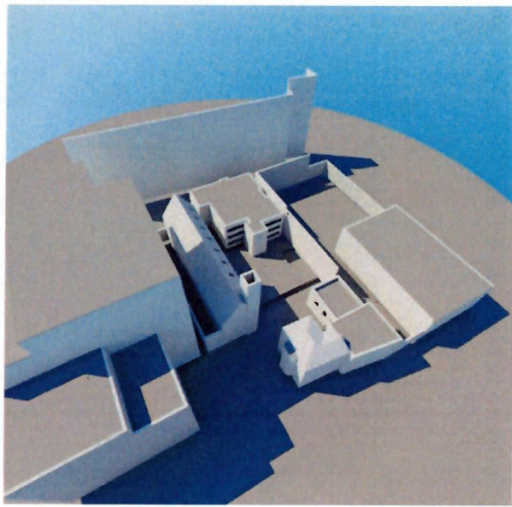
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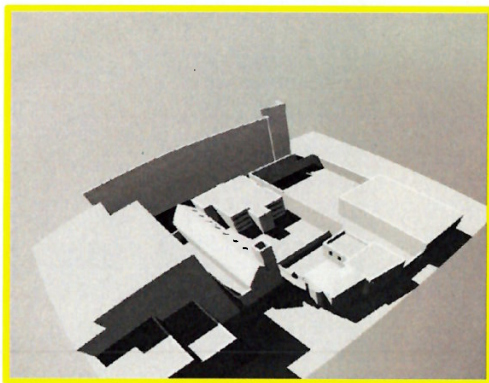
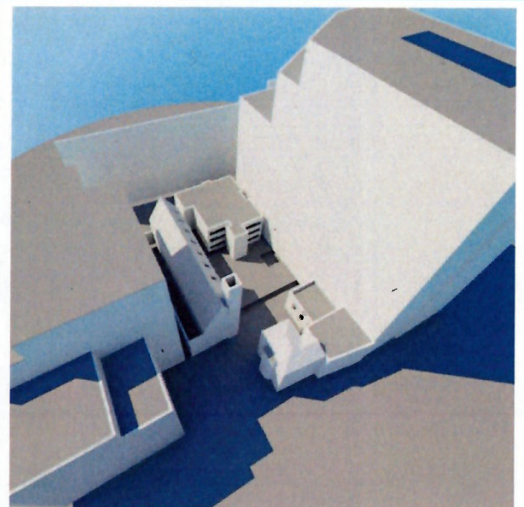
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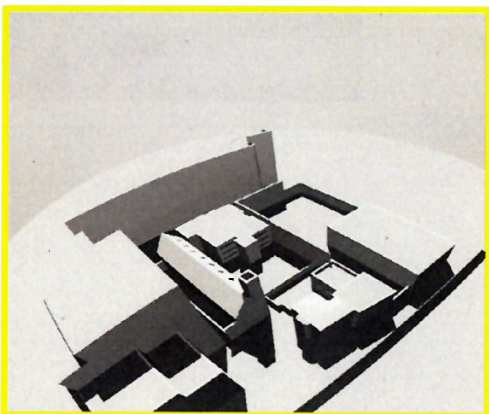
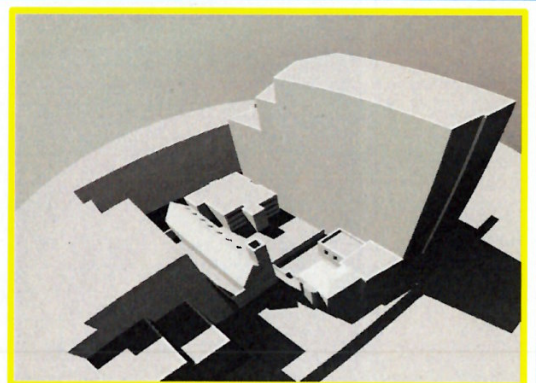
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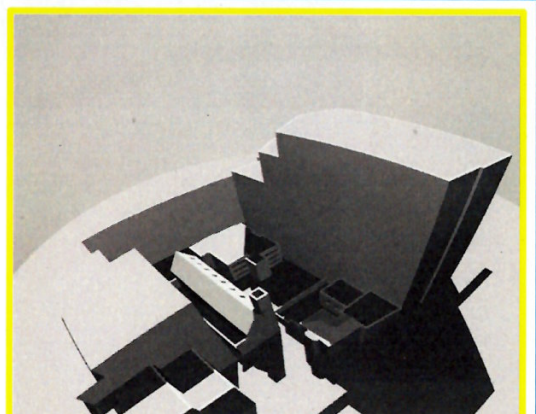
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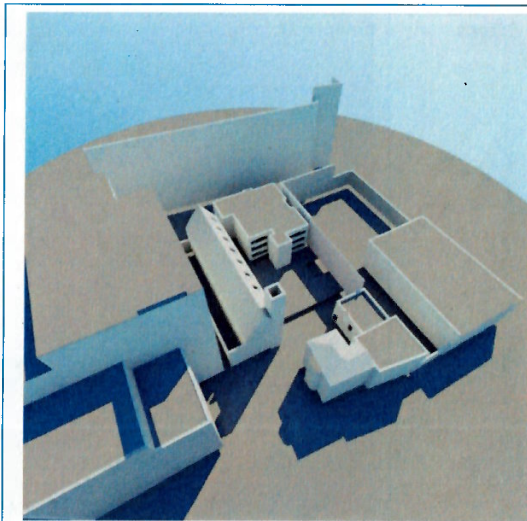


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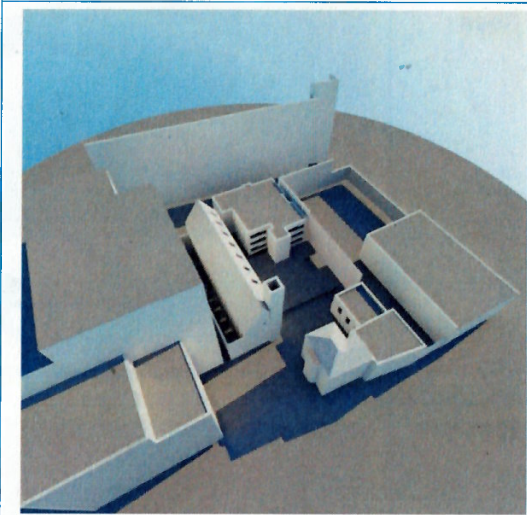
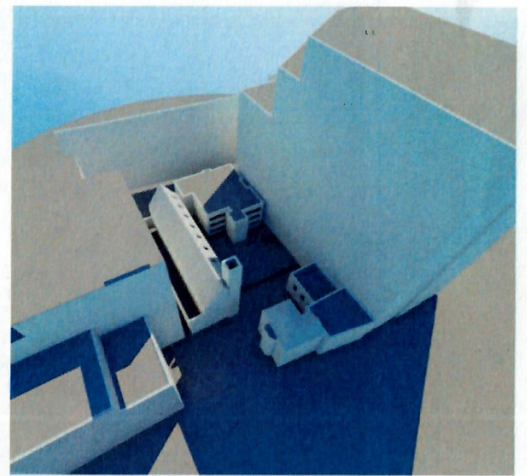


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