

SECTION 131 FORM

File With _____

Appeal NO: ABP 315953

TO: SEO

Defer Re O/H ☐

Having considered the contents of the submission dated/ received 8/2/24
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000
be/not be invoked at this stage for the following reason(s): no issue

E.O.: [Signature]

Date: 9/2/24

To EO: _____

Section 131 not to be invoked at this stage. ☐

Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

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

to: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 315053-22

M _____

Please treat correspondence received on 8/2/24 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**Applicants RepL/P 8/2**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: [Signature]AA: Fadime KhatipourDate: 9/2/24Date: 12/02/2024



John Spain Associates

Planning & Development Consultants
Chartered Town Planners

39 Fitzwilliam Place,
Dublin 2
D02 ND61

www.jsaplanning.ie

Tel 01 662 5803
info@johnspainassociates.com

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

AN BORD PLEANÁLA

LDG- _____
ABP- _____

08 FEB 2024

Fee: € _____ Type: _____
Time: 11:38 By: hand

Date: 8 February, 2024
Our Ref: BC JN 21155

Dear Sir / Madam,

RE: SECTION 131 REQUEST RESPONSE IN REGARD TO 1ST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION FOR A PLANNING APPLICATION, INCLUDING ENVIRONMENTAL IMPACT ASSESSMENT REPORT, FOR PROPOSED MIXED USE DEVELOPMENT AT 1-4 CITY QUAY, DUBLIN 2, D02 KT32, 23-25 MOSS STREET, DUBLIN 2, D02 F854 AND 5 CITY QUAY, DUBLIN 2, D02 PC03.

ABP Ref.: ABP-315053-22

DUBLIN CITY COUNCIL REG. REF.: 4674/22

INTRODUCTION

On behalf of the applicant, Ventaway Limited, Park Chambers, 13 St. Stephen's Green, Dublin 2, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, wish to submit a response to a Section 131 request by An Bord Pleanála, dated 19th January 2024 in regard to the first party appeal against the decision of Dublin City Council dated 11th October 2022 to refuse planning permission for a mixed use development at a site at 1-4 City Quay, Dublin 2, D02 KT32, 23-25 Moss Street, Dublin 2, D02 F854 and 5 City Quay, Dublin 2, D02 PC03.

In their letter (Appendix 1), ABP request the Applicant to respond to the following submissions;

- Irish Life Assurance PLC
- City Quay National School
- The Office of Public Works

We note the submission referenced above were made in response to a Section 137 request by ABP. The submissions/observations by these parties on the first party appeal have not been issued to our client for comment.

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan | Luke Wymer

Senior Associate Directors: Meadhbh Nolan | Kate Kerrigan
Associate Directors: Ian Livingstone | Tiarna Devlin

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



Irish Life Assurance

JSA received an email from Irish Life Assurance PLC issued to An Bord Pleanála in response to JSA's Response to Section 137 Submission, the email stated: "Our Client thanks the Board for its consideration, but wishes to confine its observation to the local matters raised initially." The applicant has not been provided with a copy of any observations on the appeal in order to comment on it. Therefore, we refer back to the Irish Life submission to Dublin City Council on the application. A detailed response to submissions on the planning application was also submitted as part of the first party appeal.

A Daylight/Sunlight Report was prepared by Digital Dimensions and submitted with the application. The report made the following conclusions regarding daylight and sunlight impacts on surrounding developments:

"The assessment of massing in line with the recent developments adjacent the site and the recommendation development level in the Local area plan indicate that overall the additional height of the proposed development would cause minimal additional reduction in daylight levels and the majority of the reduction would come from a development similar in massing to the adjacent buildings"

In response to the previous Irish Life submission on the planning application with respect of overbearing, daylight and sunlight impacts, a response was provided by Digital Dimensions to accompany the first party appeal.

This Digital Dimensions Addendum Report at appeal stage states the following in relation to the applicant's building:

"The loss to daylight is limited to a small percentage of the facade to Moss Street where the majority of the window to 1GQ are small and would be insufficient to provide enough daylight for office task based activities. The small window size to Moss Street with the deep floor plate means the use of supplementary lighting will be required in the office space currently and the effects of any additional reduction in daylight from the 24 storey proposal above the 8-11 Story massing in the LAP would be minor adverse."

It is noted that the impact on daylight, particularly to the surrounding commercial buildings must be considered against the current low height of the existing buildings, which is inconsistent with the vision for the area. Therefore a comparison with the building envisaged in the former LAP was undertaken in the Sunlight and Daylight Addendum Report as noted above.

We note a similar appeal, on the basis of daylight impacts of commercial on commercial buildings. Dublin City Council Reg. Ref. 3204/21 (ABP-311605-21) refers. The ABP Inspector's Report stated:

"7.3.4. Having regard to the principal issue of this appeal case and to the extensive evidence including quantitative analysis presented by the Applicant and the Appellants, the next sections of my Report summarise same. However, as discussed in further detail below, I consider that the impacts in terms of loss of light to the surrounding office developments in this instance to be acceptable given that they relate to commercial premises in the city centre and there are no known circumstances for these buildings to require a certain prescribed lighting standard. In short, I do not consider that the BRE Guidelines are applicable in this instance."

It is respectfully submitted that the subject case is comparable and therefore similar assessment would apply.



City Quay National School

The City Quay National School submission refers back to the original submission on appeal however the Applicant has not been given the opportunity to respond to this submission. The applicant has not been provided with a copy of any observations on the appeal in order to comment on them. Therefore we refer back to the City Quay National School submission to Dublin City Council on the application.

The subject submission notes that their original points made in regard to the Draft Dublin City Development Plan remain valid and that this should be given due consideration. JSA have responded in full to the considerations of the adopted Development Plan as part of the Response to Section 137 Request by An Bord Pleanála.

A number of 3rd party observations were submitted on the planning application including from City Quay National School. The main items raised in the observations on the proposed development related to the following:

- Height, scale and massing of the proposed development;
- Impact on the surrounding context;
- Overshadowing and overbearing on nearby buildings;
- Daylight/Sunlight impacts on surrounding properties;

The Applicant responded in detail to each of the above considerations. In particular response to City Quay National School's submission with respect to daylight and sunlight impacts, a further response was provided by Digital Dimensions to accompany the first party appeal. Please refer to this document for detailed response to the concerns raised.

Shadow diagrams were included in the detailed Daylight & Sunlight Report prepared by Digital Dimensions which was included with the application. The report states the following on the impact of the proposed development on the outdoor amenity space of the adjacent school:

"The courtyard / outdoor amenity would have minimal reduction to the available sunlight. The assessment of sun on the ground indicates there will be a reduction in sunlight hours but the amenity space will not be reduced below 80% of the current value at 93.7%. A visual inspection of the shadow diagrams indicates that the school yard will be overshadowed by the boundary wall / screen by the time any shadow is cast by the proposed development and there will be no additional overshadowing."

An additional Daylight & Sunlight Assessment has been prepared and submitted with the first party appeal by Digital Dimensions to deal with concerns raised by DCC regarding overshadowing on neighbouring properties as a result of the proposed development. The assessment states the following with regard to the school:

"There is currently a high wall and metal screen over to the boundary between the National School and the proposed development site. The assessment of the sunlight availability to the amenity space to the courtyard of the National School is in line with the recommendations and is not reduced below 80% of its existing value on the 21st March. Additionally it can be seen from the shadow diagrams that there will be no shadow cast from the proposed development before 3.00pm which is outside of the school operational hours."

The current levels of sunlight availability to the school courtyard are below the recommended levels because the courtyard is limited in size and self shadowed by the school building to the south. The proposed level of sunlight to the amenity space remains at

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

93.7% of its existing level which is the same as a development in line with those demonstrated in the LAP as can be seen in Section 4.1 of the original daylight and sunlight assessment and repeated below. Additionally it can be seen that any shading from the proposed development will not occur until after 3pm in the afternoon which is outside the operational hours of the Primary National School."

The proposed development has regard to and has responded, through the design approach adopted, to the proximity of the City Quay National School in its design development. In this regard the Mahoney Architecture Design Statement states:

"The eastern façade of the development bordering the Immaculate Heart of Mary Church and the City Quay National School maintains visual privacy for these properties through a number of measures:

- This glazing is set-back 3.3m from the eastern boundary and is screened from the adjacent properties by an open brick clad frame and trellis planting. The selected planting is Lonicera which is trained vertically by tensioned cables and grows from a substantial trough at ground level which ensures convenient and accessible maintenance.*
- A translucent interlayer contained within the glazing extends from floor level to a height of 1.8m on each floor to fully prevent any overlooking of the school property below."*

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

Digital Dimensions prepared an assessment of surrounding amenity spaces in their appeal document including the City Quay National School.

The Office of Public Works

The OPW is responsible for the management and care of the Custom House as such its submission focuses on the potential impact on this building. The OPW notes its status as a Protected Structure and location in a Conservation Area.

The Applicant has considered the potential impact of the proposed development on The Custom House and the River Liffey Conservation Area in considerable detail with extensive viewpoints capturing the relationship between the buildings and detailed assessments prepared. In addition JSA submitted a 'Appendix 3 Response to Section 137 Request from An Bord Pleanála' which specifically addressed Section 6.0 of Appendix 3 'Guidelines for Higher Buildings in Areas of Historic Sensitivity'.

As set out in the EIAR Chapter 11 prepared by AWN, which states:

"The introduction of a tall, contemporary building to the Liffey corridor is a significant change. However, considering the ongoing trend of change in character along the Liffey as evidenced by the sequence of Viewpoints 28-31, the building would not appear out of place; rather, a next step in the continuing evolution of the river corridor in the city centre. Additionally, from this angle and distance the design response to the context is appreciable, and the building itself is elegant. It would be a prominent addition, adding a new focal point (and visual interest) to the composition, and it would cause no harm to either the Liffey itself or the Custom House as elements of the townscape. Both views show that the separation distance between the tower and the Custom House is substantial, and sufficient to avoid any sense of dominance of the historic building."

24



View 31 proposed development in Cumulative state photomontages (Source: City Quay Verified Photomontages)



View 35 Proposed Development photomontages (Source: City Quay Verified Photomontages)

Additionally, this Chapter states:

"The development would have a transformational effect on this stretch of the Liffey corridor, and on the Custom House character area, introducing a building of landmark scale and character. The design is both distinctive and responsive to the context, and highly refined – so that overall, while clearly becoming the focal point of views from the north side of the river, its effect can be considered positive.

The photomontages (particularly nos. 32 and 33) clearly show the building's separation distance from the Custom House, and how the wide Liffey corridor (the river and quays

combined) contributes to the capacity to accommodate height without crowding or dominating the historic building."

Shadow diagrams were included in the detailed Daylight & Sunlight Report prepared by Digital Dimensions included with the application. An additional Daylight & Sunlight Assessment was prepared by Digital Dimensions and enclosed with the first party appeal to deal with concerns raised by DCC regarding overshadowing on neighbouring properties as a result of the proposed development. The assessment also analysed the overshadowing on the Custom House due to the concerns raised by DCC in their Planner's Report and submission by the OPW. The assessment states the following:

"The original daylight and sunlight assessment contained a series of shadow diagrams as 2 hourly intervals on March 21st, June 21st, September 21st and December 21st in Section 5 of the original report. The diagrams indicated there was no shading cast by the proposed development from March to September. The shadow diagram reaches the elevation in December early morning when the sun is low and all buildings will cast long shadows. Shadows are also cast by the Georges Quay development and the planning approved scheme at Tara Street currently under construction which causes shading in late afternoon and evening.

Additional shadow diagrams have been generated on the 21st for the months of October, November, December, January and February for clarity. In addition the diagrams have been generated in perspective view to see the extent of the shadow on the on the Custom House.

The diagrams indicate that there will be minimal additional shading to the Custom House elevation from the proposed development and the extent will be limited to early morning from October to February. The shadow cast on at any one time is a small percentage and transient. The proposed development under construction at Tara Street can be seen to cast a shadow on the Custom House in the afternoon on similar dates during the period from October to February. Additionally the Georges Quay development cast shadows on the Custom House in the winter months.

The original and additional shadow diagrams can be view in Section 4."

In regard to the potential impact on the Custom House, Modelworks Response to Appeal Report states:

"It should be noted that in the case of the proposed development, the particular vantage point at which the tower would rise behind the cupola (Viewpoint 35b – shown above) is not an important viewing position or approach route to the Custom House.

This is a position on Beresford Place, off the axis of Gardiner Street. The view would be only fleetingly experienced while travelling east-west along the street. Given the similar effects of various existing and permitted buildings, the significance of this visual impact is classified 'moderate neutral' in the LVIA.

The protrusion of the taller modern buildings above the Custom House roofline is a function of the historic building's own proportions (large footprint, but low).

Another factor is the extent of open space surrounding the building. It occupies a large plot surrounded by wide streets (Beresford Place and Custom House Quay) and the Liffey. This allows the building to be seen from some distance from most directions and this provides perspective. Buildings of contemporary urban scale in the environs will thus inevitably be seen in the background or alongside the Custom House in views from its surroundings.

The photographs and photomontages above show that the proposed development would cause no greater impact on views than the existing and permitted buildings in the Custom House environs (even those that would not be characterised as 'tall', .e.g. IFSC, Irish Life Centre). In terms of architectural quality, the proposed development compares favourably to the other modern buildings. Therefore, where it does appear in views, its presence would not be negative, and it would elevate the quality of the built environment overall.

The building's height, while significant, achieves a slenderness ratio which contributes to its elegance as a stand alone form. Given the existing character of the area and the similar visual presence of other modern buildings in views of the Custom House, DCC's inclination to substantially reduce the height should be questioned. This would reduce the quality of the building, and cause the development to have less beneficial effects in terms of compact growth/sustainable land use, place-making, legibility, etc. The 'improvements' to views of and from the Custom House environs that DCC assumes would result from such a height reduction are questionable, and the optimal use of a site/development opportunity of national importance would be prevented."



CGI of proposed development in Dublin City Context extract from Mahoney Architecture Design Statement (Source: Mahoney Architecture Design Statement).

Further, the OPW notes the contents of Appendix 3, referencing the following passages:

Developments of significant height and scale are generally not considered appropriate in historic settings including conservation areas, architectural conservation areas, the historic city centre, the River Liffey and quays, Trinity College, the Cathedrals, Dublin Castle and medieval quarter, the Georgian core and historic squares and the canals or where the setting of a protected structure would be seriously harmed by the inappropriate locating of such a proposal (page 237)

and

New development must respond to local character and protect and enhance the built heritage. New development should not have an adverse impact on a protected structure or its curtilage (page 237).

In response to the above we wish to highlight that the response to Section 137 'Appendix 3 Response to Section 137 Request from An Bord Pleanála' addressed Section 6.0 of Appendix 3 '*Guidelines for Higher Buildings in Areas of Historic Sensitivity*'. Heritage considerations were considered widely in the application documentation primarily within the EIAR. IAC Archaeology (IAC) – Faith Bailey and Rob Goodbody prepared Chapter 12 'Archaeological, Architectural and Cultural Heritage' of the EIAR to assess the effect, if any, on the archaeological, architectural and cultural heritage resource of the proposed development. This chapter includes assessment of the potential impact on Protected Structures, key views, National Monuments and Conservation Areas.

'*Report on Townscape and Visual Impact for 1st Party Appeal*' prepared by Modelworks to accompany the appeal, reviewing in particular the potential impact of the development on sensitive views. The Modelworks Report on Townscape and Visual Impact states:

"It is acknowledged that views along the Liffey are highly valued and sensitive to inappropriate change. However, it must be recognised that the river is the central spatial/topographical feature of a European capital city. The Liffey passes between a wide variety of character areas along its 5km route through the city centre (from Heuston to Dublin Port) and along its course people are exposed to innumerable buildings of diverse era, typology, scale and architecture."

In regard to the site's position within the wider Dublin historic core this report notes: *"While the site is centrally located, to characterise it as being within Dublin's historic city core is not accurate. Most of the lands/plots surrounding the site (apart from the Custom House and the church) were redeveloped in the 20th century and/or are being redeveloped. The site lies at the centre of an extensive area of distinctly modern character (the George's Quay area), and this surrounding development forms a buffer between the site and the historic city core. (The two permitted tall buildings, AquaVetro and College Square, are closer to the historic city core than the site is.)"*

We trust the above will be given due consideration in making a decision on the appeal.

Yours sincerely,



John Spain Associates

John Spain Associates

Planning & Development Consultants

24

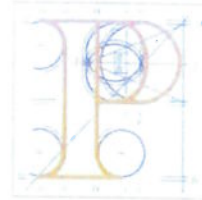
APPENDIX 1: LETTER FROM AN BORD PLEANALA

24

Our Case Number: ABP-315053-22

Planning Authority Reference Number: 4674/22

Your Reference: Ventaway Limited



An
Bord
Pleanála

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61



Date: 19 January 2024

Re: Demolition of buildings. Construction of 24 storey mixed use building with all ancillary site works. NIS and EIAR submitted to PA
Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)

Dear Sir / Madam,

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

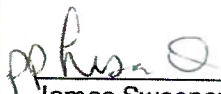
The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submissions received from The Office of Public Works, Irish Life Assurance PLC and City Quay National School.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 8th of February 2024**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

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

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

Yours faithfully,


James Sweeney
Executive Officer
Direct Line:

BP70 Registered Post

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

City Quay National School

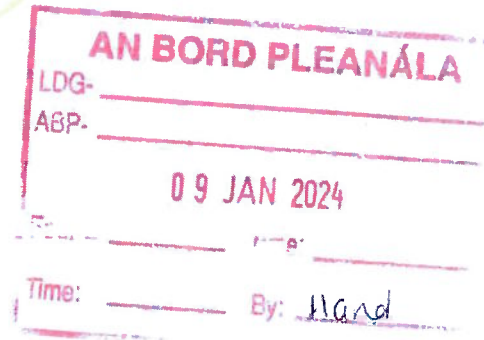
Gloucester Street South
Dublin 2

Tel/Fax:: 01-671 3754

Email: cityquayns@hotmail.com



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1.
D01 V902



For the attention of Mr James Sweeney, Executive Officer

**Submission of Third Party Observation in Response to
An Bord Pleanála's Letter of 4th December 2023**

An Bord Pleanála Case Number. ABP-315053-22
Planning Authority Reference Number. 4674/22

Dear Sir / Madam

We refer to your letter of 4th December 2023 in relation to the proposed development by Ventaway Ltd of a 24 storey building on lands bounded by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2.

As stated in our original submission to An Bord Pleanála, the Board of Management objects to the proposed development on lands directly to the west of the school in the strongest possible terms. Should the development proceed it will have a major negative impact on the ability of the school to deliver high-quality education to the pupils in our care.

We contend that the grounds of our original objection to the proposed development still remain valid and we request the Board to fully consider all of the points made therein.

Specifically in response to your letter of 4th December 2023 we note that the Board, in its deliberations on this appeal, intends to take account of *Appendix 3 of the Dublin City Development Plan 2022-2028*, which sets out performance criteria by which proposals for landmark/tall buildings must be assessed. In this regard we would comment as follows:

1. Our original submission to the Board was based on the contents of the Draft Dublin City Development Plan 2022-2028. Our comments in that submission in relation to building height and density (points 4 and 5 of the submission) referred specifically to Appendix 3 of the Draft Plan. On review of Appendix 3 of the final City Plan as adopted by Dublin City Council on the 2nd of November 2022, we note that there are no substantive differences

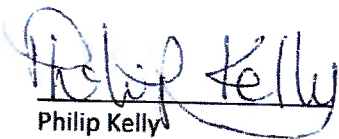
City Quay National School

in the planning policies and standards relating to building height and development density between the Draft Plan and the Adopted Plan. Consequently, our original comments remain entirely valid and we would request that they be given full consideration by the Board.

As previously explained, we would respectfully contend that this speculative office development is entirely inappropriate on the subject site. A more appropriate, but nonetheless high-density development with a genuine mix of uses, that also has regard to the needs of the local community could, and should, be provided on the site. We would request An Bord Pleanála to refuse planning permission for the proposed development for the reasons stated in our original submission.

If we can provide any further information please contact the undersigned.

Yours faithfully



Philip Kelly
Principal
City Quay National School

P.S. The original submission to An Bord Pleanála was made on behalf of the Board of Management by Richie Hoban, the then Principal of the school. I have since taken over as Principal and again make this submission on behalf of the Board of Management.

Our Case Number: ABP-315053-22
Planning Authority Reference Number: 4674/22
Your Reference: Irish Life Assurance Plc



Sheehan Planning
44 Sainagowan
Palmerston Park
Dartry
Dublin 6

Date: 04 December 2023

Re: Demolition of buildings. Construction of 24 storey mixed use building with all ancillary site works
N/S and EIAR submitted to PA
Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)

Dear Sir / Madam,

I have been asked by the Board to refer to the above-mentioned appeal.

The Board proposes to take into account the following

- a) **The Board noted that since the receipt of the appeal and responses to same, including observations on the appeal, that the Dublin City Development Plan 2022-2028 has come into effect.**
- b) **In this regard, the Development Plan now includes Appendix 3, which sets out performance criteria by which proposals for landmark/tall buildings must be assessed.**
- c) **You are therefore invited to provide a commentary in relation to the considerations outlined above, as they relate to the subject appeal, or any other Development Plan matters you may consider of relevance.**

Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sraid Maelbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

100

In accordance with section 137 of the Planning and Development Act, 2000, (as amended), you are invited to submit any submission or observation that you may have in relation to the matters raised on or before 9th January 2024. Any submission or observation you make should be confined to the issues specified above as the Board cannot consider comments that are outside the scope of the matters in question. The provisions of section 251 of the Planning and Development Act, 2000, (as amended), relating to the holiday period between the 24th December and 1st January, both days inclusive, have been taken into account in the calculation of the response date. Your submission in response to this notice must be received by the Board not later than 5.30 p.m. on the date specified above.

Any submission or observation received by the Board after the expiration of the specified period shall not, in accordance with section 137 of the 2000 Act, (as amended), be considered by the Board.

Yours faithfully,



James Sweeney
Executive Officer
Direct Line

BPTS - Xmas Registered Post

Tell
Glas Aduil
Fax
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 558 8100
1800 215 175
(01) 872 2684
www.pleanala.ie
board@pleanala.ie

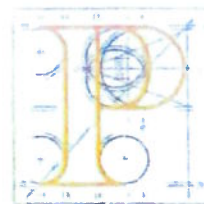
64 Sraid MacIbhríde
Bate Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

1000

Case Number: ABP-315053-22

Planning Authority Reference Number: 4674/22



An
Bord
Pleanála

Office of Public Works
1GQ George's Quay
Dublin 2
D02 Y098

Date: 04 December 2023

Re: Demolition of buildings. Construction of 24 storey mixed use building with all ancillary site works.
NIS and EIAR submitted to PA
Site bound by City Quay to the north, Moss Street to the west & Gloucester Street South to the south, Dublin 2. The site includes 1-4 City Quay (D02 PC03), 5 City Quay and 23-25 Moss Street (D02 F854)

Dear Sir / Madam,

I have been asked by the Board to refer to the above-mentioned appeal.

The Board proposes to take into account the following:

- a) The Board noted that since the receipt of the appeal and responses to same, including observations on the appeal, that the **Dublin City Development Plan 2022-2028** has come into effect.
- b) In this regard, the Development Plan now includes Appendix 3, which sets out performance criteria by which proposals for landmark/tall buildings must be assessed.
- c) You are therefore invited to provide a commentary in relation to the considerations outlined above, as they relate to the subject appeal, or any other Development Plan matters you may consider of relevance.

Tel
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

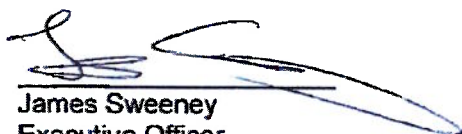
64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

In accordance with section 137 of the Planning and Development Act, 2000, (as amended), you (invited to submit any submission or observation that you may have in relation to the matter(s) raised on or before **9th January 2024**. Any submission or observation you **make** should be confined to the issues specified above as the Board cannot consider comments that are outside the scope of the matter(s) in question. **The provisions of section 251 of the Planning and Development Act, 2000, (as amended), relating to the holiday period between the 24th December and 1st January, both days inclusive, have been taken into account in the calculation of the response date.** Your submission in response to this notice must be received by the Board not later than **5.30 p.m.** on the date specified above.

Any submission or observation received by the Board after the expiration of the specified period shall not, in accordance with section 137 of the 2000 Act, (as amended), be considered by the Board.

Yours faithfully,



James Sweeney
Executive Officer
Direct Line:

BP73 - Xmas Registered Post

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Oifig na
nOibreacha Poiblí
Office of Public Works



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Date: 22 December 2023

Observation from the Office of Public Works

RE: ABP Case Number ABP-315053-22 and the ABP letter to OPW dated 04 December 2023.

A Chara,

The Office of Public Works (OPW) wishes to make the following observation on the above referenced item.

1.0 INTRODUCTION

The development that is the subject of ABP Case reference PL29S.315053 comprises the construction of a 24 storey mixed-use building with all ancillary site works at a 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) (4674/22)

The OPW's interest in this proposed development arises from its location of 0.1 kilometres from the chief elevation of the Custom House. The OPW is responsible for the management and care of this important state-owned historic building.

The Custom House, and the Custom House Quay, are included in the Dublin City Council Record of Protected Structures. In recognition of its special character, the building and its surrounding environs are included within a Conservation Area (Specific Objective) in the current city development plan (*Dublin City Development Plan 2022-28*). The chief building also carries a rating of "International" significance on the National Inventory of Architectural Heritage (NIAH) in Ireland.



2.0 OPW's ENGAGEMENT WITH ABP CASE NUMBER ABP-315053-22 TO DATE

The OPW made an observation on DCC Pl. Reg. Ref. 4674/22 (refused permission by DCC on 11 Oct 2022). This decision is now the subject of a first party appeal. The OPW made an observation on this appeal on 01 December 2022.

3.0 APPENDIX 3 (HEIGHT STRATEGY) OF DUBLIN CITY DEVELOPMENT PLAN 2022-28

ABP have indicated that they now propose to take Appendix 3 (Height Strategy) Of *Dublin City Development Plan 2022-28* into account in their on-going assessment of this appeal.

Consequently, the OPW has undertaken a review of Appendix 3, in particular 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.

It is the opinion of the OPW that the content of Appendix 3 (Height Strategy) is in line with our earlier commentary in relation to this proposed development. In particular, we note the following recommendations in Section 6.0:

Developments of significant height and scale are generally not considered appropriate in historic settings including conservation areas, architectural conservation areas, the historic city centre, the River Liffey and quays, Trinity College, the Cathedrals, Dublin Castle and medieval quarter, the Georgian core and historic squares and the canals or where the setting of a protected structure would be seriously harmed by the inappropriate locating of such a proposal (page 237).

and

New development must respond to local character and protect and enhance the built heritage. New development should not have an adverse impact on a protected structure or its curtilage (page 237).

5.0 CONCLUSION

In light of the above extracts – the philosophy and thinking of which are reflected throughout Appendix 3 (Height Strategy) – the OPW wishes to reiterate its position in relation to the proposed development of a 24 storey mixed-use building at City Quay, as fully outlined in our letter to ABP dated 01 December 2022. We request that this letter is given due consideration in ABP's assessment of the first party appeal on ABP-315053-22.



If further information or input is required from the items raised in this submission, please do not hesitate to contact the OPW at:

info@opw.ie

Yours sincerely,

A handwritten signature in blue ink, reading "Rosemary Collier".

Rosemary Collier
Head of Heritage & Capital Works Delivery

A handwritten signature in blue ink, reading "Ciaran O'Connor".

Ciaran O' Connor
State Architect / Principal Architect

