

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 315053 22Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 6/2/24  
from City Quay N.SCity Quay N.S 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 in townE.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 FORM**Appeal No: ABP 315053

M \_\_\_\_\_

Please treat correspondence received on 6/2/24 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**S13) RoofL/D 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: FediniDate: 9/2/24Date: 12/02/24

# City Quay National School

Gloucester Street South  
Dublin 2



Tel/Fax: 01-671 3754  
Email: [info@cityquayns.ie](mailto:info@cityquayns.ie)

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

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ABP- _____	
<b>06 FEB 2024</b>	
Fee: € _____	Type: _____
Time: <u>10.30 am</u>	By: <u>Hancl</u>

City Quay National School  
Gloucester Street South  
Dublin 2

1<sup>st</sup> February 2024

An Bord Pleanála Ref: ABP-315053-22  
Planning Authority Reference: 4674/22

For the attention of Mr James Sweeney, Executive Officer

**Submission of Third Party Observation in Response to  
An Bord Pleanála's Letter of 19<sup>th</sup> January 2024**

**Closing Date for Submissions: Thursday 8<sup>th</sup> February 2024**

Dear Sir / Madam

We refer to your letter of 19<sup>th</sup> January 2024 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 and Gloucester Street South to the south, Dublin 2.

As stated in both of our earlier submissions 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.

Our submission in this instance is made in response to your letter of 19<sup>th</sup> January 2024. We note that the developer, Ventaway Ltd, has made an extensive further submission to the Board in support of the proposal following the Board's notification of 4<sup>th</sup> December 2023 regarding *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.

Principal: Philip Kelly

Roll Number: 11578V

# City Quay National School

Our comments in this submission relate specifically to the documentation furnished to us by An Board Pleanála on 19<sup>th</sup> January 2024.

1. The submission by Ventaway Ltd refers primarily (but not exclusively) to the criteria set out in Appendix 3 of the new Dublin City Development Plan 2022-28 relating to building height and density in the City. It refers in detail to Table 3: *Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale* and Table 4: *Performance Criteria in Assessing Proposals for Landmark Tall Building/s* as set out in the said Appendix.

A great deal of their documentation presents a restatement of points previously made in the original appeal submission by John Spain and Associates on behalf of Ventaway Ltd. Their original statement was based on the "Draft" Dublin City Development Plan 2022-2028, in force at the time. Their current submission is based on the final City Plan, as adopted by the Council on 2<sup>nd</sup> November 2022. However, there is no substantive difference between the content of Appendix 3 as set out in the Draft Plan and Appendix 3 as contained in the Final Adopted Plan. They are almost identical. Both include Tables 3 and 4 as referred to above. Yet John Spain and Associates in collaboration with Mahoney Architects, felt it necessary to submit over a hundred pages of additional documentation, largely restating their earlier remarks. The Board should not facilitate such time wasting and we would request that the appeal be determined without further delay.

2. The subject site is located in a Z5 City Centre mixed-use zone. The primary purpose of this use zone as stated in the City Plan is to *"sustain life within the centre of the city through intensive mixed-use development"* (Chapter 14, p 535). In addition, the Plan points out that *"a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage"..... in the interests of promoting a mixed-use city, it may not be appropriate to allow mono office use on Z5 zoned lands, particularly on large scale development sites... in a particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development"* (p 535).

As we previously pointed out, this scheme is not a credible mixed-use development and is contrary to the principle of the zoning objective of the City Development Plan. In reality, it's a very large, speculative office scheme, with a very minor amount of non-office floorspace. In addition, uses such as 'arts centres' require long-term subsidy to survive, and cannot reasonably be considered a long-term sustainable land use unless provided with ongoing financial support. The appellant's claim that the 'arts centre' represents a significant new cultural space for the City is entirely disingenuous, as such uses are notoriously difficult to sustain over the medium to long term.

This scheme is not credible when judged against the Z5 zoning objective and should be rejected. In our view it represents a material contravention of the Z5 zoning objective for the land.

3. With regard to the proposed office use, we note the support for the proposal by Knight Frank Estate Agents in their letter of 8<sup>th</sup> January 2024. However, such a positive outlook on the future of the office market in Dublin is perhaps not shared by their colleagues at Lisney's. We refer the Board to *Lisney Offices Market Outlook 2024 Report (12<sup>th</sup> January 2024)*, a brief extract from which we quote below;

- *"Market dynamics; Post-pandemic trends persist:  
Entering 2024, many of the prevailing trends in the Dublin office market are the same as 12 months ago. Hybrid working practices and adjustments in the tech industry continue to impact demand. These trends have resulted in significantly lower levels of take-up than the long-term average; a growing vacancy rate due to grey space and speculatively built schemes; as well as occupiers seeking flexible terms on fully fitted space as they continue to assess their requirements. Notably, Dublin is not alone in dealing with a post-pandemic shifting office market, markets around the world are too. And as with global markets, the impact of these changes will be compounded by the ever-increasing*

# City Quay National School

*gap between buildings fulfilling ESG criteria and those that are not – from a rental and capital value perspective, but also from a funding, operational and demand standpoint.”*

While we recognise that perhaps this is not a matter pertinent to the considerations of the Board in determining this appeal, we mention it in the light of the Knight Frank submission. The demand for the proposed office floorspace may not be as rosy as Knight Frank suggests.

4. John Spain and Associates on behalf of Ventaway Ltd contends that because the subject site is located within the city centre, a Strategic Development and Regeneration Area and within the catchment of a high capacity public transport system, *“the site is therefore a location supported by the Development Plan for increased height and density.”* While it is recognised in the City Plan (and in the government’s height guidelines) that higher densities and taller buildings may be required in certain locations in the interests of sustainability, we would strongly disagree with John Spain’s sweeping generalisation. On the contrary, in Appendix 3 (and elsewhere) the City Plan repeatedly points out that Dublin is essentially a low-rise city, and states as follows;
- *As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified below. Greater heights may be considered in certain circumstances depending on the site’s location and context and subject to assessment against the performance based criteria set out in Table 3.(p 219, App 3)*

For the city centre, identified as a ‘key location,’ the Plan states;

- *“in general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics and heritage/environmental considerations. (p 220, App 3)*
- *“proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3”. (p220, App 3).*

It is clearly evident from the above that while allowing for increased densities and height, the City Plan stipulates that building heights of 5 – 8 storeys will be the norm and that greater height will only be facilitated in certain circumstances on a case-by-case basis. In addition, the Plan draws attention to areas with a particular sensitivity to building height and refers specifically to the River Liffey and quays in this regard. The subject site is located on the quays and is the subject of a Conservation Area designation. The proposed development entirely disregards the Conservation Area status of the location and the sensitive nature of the site. Section 6 of Appendix 3 provides guidelines for higher buildings in areas of historic sensitivity and states as follows; (p 237)

- *There are a number of environmental sensitivities in the city which contribute to its overall quality, uniqueness and identity. 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.*

5. The subject site is located within a Strategic Development and Regeneration Area (SDRAs are also identified as key locations in the City Plan). The Plan explains that *general height guidance is provided for selected key*

# City Quay National School

*development sites in the SDRA, informed by urban design principles responsive to context. More specifically, appropriate locations for enhanced height within key sites are identified, with specific positions illustrated within indicative site layouts. The site is located within SDRA 6 (Docklands) and it can be noted that it is not identified as a location for 'enhanced height.'*

6. It is evident from Fig 10 of the John Spain report (p 15; Response to Table 3) that the proposed building, if permitted, would attain a height of some 108m, making it the tallest building in Dublin, almost as tall as the Spire (120m) and nearly twice the height of Liberty Hall. Surely a building of such major prominence would be identified as such in the City Plan. It would represent a new landmark for the city.

Landmark/tall buildings are defined in the City Plan as those that are substantially taller than their surroundings and cause a significant change to the skyline. They are typically buildings greater than 50 metres in height. (p230, App 3)

In terms of suitable locations, the Plan states that landmark/tall building proposals are most appropriate in locations that are identified as,

- *a significant public transport interchange and/or*
- *areas for large scale regeneration and redevelopment;*
- *that are well connected centres of employment, which have the capacity to create their own character and identity*
- *and where the existing character of the area would not be adversely affected by the scale, mass and height of a landmark/tall building.*
- *Generally, larger sites (2ha and over) offer the greatest potential for such buildings, as these sites are more able to set their own context than smaller sites. Locations considered appropriate for landmark/tall buildings have been identified at a local policy level within existing LAPs and SDZs. In addition, a number of the Strategic Development Regeneration Areas identify locations that are considered appropriate for the development of taller building/s. (p 231, App 3).*

While it is accepted that the subject site is located in close proximity to the DART and bus routes, it is not located at a public transport interchange. Neither is it located in an area in need of, or planned for, large scale regeneration and redevelopment. It's on the western fringe of SDRA 6, well outside the Docklands SDZ and there are few opportunities for large scale redevelopment schemes in the vicinity. There can be no doubt that the existing character of the area, including the Conservation Area would be seriously adversely affected by the proposal. The site has an area of only 0.2ha, well below the 2.0ha referred to above. The site has not been identified at a local policy level within existing LAPs and SDZs and as already pointed out above, is not designated for a landmark building in SDRA 6. With the exception of its proximity to Tara Street Station, the proposed development fails to comply with the above criteria and no amount of box ticking, as evidenced in the John Spain report, will alter that fact.

The proposed development totally ignores the sensitive context of the surrounding area. There is no policy justification or urban design logic for such a massive structure in this location. The Quays to the east of the site, on both sides of the river, predominantly comprise buildings of some 6-9 storeys. A building of such height in this location (perhaps similar to the nearby Grant Thornton premises) would be more appropriate in urban design terms to the civic context of the site.

7. In the context of increased urban scale and height, the City Plan points out that;

*where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities (p 220, App 3; our underlining).*

In this instance, the proposed development abuts a significantly lower density and very sensitive school site. There is no attempt to secure an appropriate transition in scale and no separation distance. No attempt has been made to protect the amenities of the school building or schoolyard/playground to the rear. The

# City Quay National School


10. As explained in our original submission to the Board, the developers have requested that a ten year planning permission be granted for this development. This is entirely unacceptable and should not be facilitated. A ten year permission is unnecessary and unreasonable and entirely discards the rights of adjoining occupiers to the quiet enjoyment of their lands. It will create significant uncertainty and cause disruption to the future operation and management of the adjoining primary school. Planning permissions would normally have a life of no more than five years, and only in exceptional circumstances would this period be extended. There are no exceptional circumstances in this instance. It is not a development of civic importance or merit. It's simply a high density speculative office development that adds nothing to the architectural heritage of the city or benefit to the local area and community. Should An Bord Pleanála decide to grant permission for the scheme, we would request that a five year permission should be the maximum time period allowed. Indeed it is interesting to note that the developers agents, Knight Frank, contend that "this proposed scheme is without doubt economically viable and implementable within the lifetime of the Dublin City Development Plan 2022-2028" (page 3 of their report).

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.

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proposed development is clearly contrary to the above requirements of the Draft City Plan. The appellants claim that *"the proposed development has been carefully scaled in relation to the surrounding areas* (John Spain report p 41; Response to Table 3). " This is patently untrue. Given that it will be the tallest building in Dublin if approved, perhaps the comment should be viewed as utterly ridiculous.

Further, the Plan explains that enhanced density and scale should:

- *Respect and/or complement the existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraint.*
- *Have a positive impact on the local community and environment and contribute to 'healthy placemaking'.*

In our opinion the proposed development clearly fails to comply with the above. As already pointed out, this is an architecturally sensitive location with a unique riverside character. The proposed development totally ignores the sensitive context of the surrounding area.

8. The John Spain report makes various references throughout the document to the provision of improved public realm, including provision of a public 'plaza' at the north-west corner of the site (pages 14, 22 & 41 JS Report). A plaza, according to the Concise Oxford Dictionary (New Edition) is defined as an 'open square or market place'. The proposed 'plaza' is nothing of the sort. It is simply a minor setback of the building line at the corner of City Quay and Moss Street, essentially to facilitate entrance to the building. The only 'improvement' to the public realm likely to be achieved by the proposed development is a new footpath around the northern and western perimeters of the building. The reality is that the scheme will make no contribution to the public realm or benefit the local community.
9. Appendix 3 of the City Plan points out that *"there is a general presumption against landmark/tall buildings outside of the locations specifically identified as being suitable for the provision of same in this plan or in LAPs/SDZs unless in exceptional circumstances and where it can be demonstrated by the applicant that there is a compelling architectural and urban design rationale for such a development. In such exceptional cases, all of the following criteria must be demonstrated:"* Bullet 4 of the criteria states as follows;

*The landmark/tall building will bring significant planning gain to the community including measures such as:*

- *substantial upgrades to the public realm;*
- *environmental enhancements including open space and green infrastructure to be enjoyed by residents and the wider community;*
- *significant new social and community infrastructure for the benefit of the wider area;*
- *where the landmark/tall building is for residential use, the provision of a broad range of accommodation for people living in different household sizes and throughout various life cycle stages.* (pages 236, 237 App 3)

In response to the above criteria, the John Spain report (p 13) lists the proposed benefits to the local community, as follows;

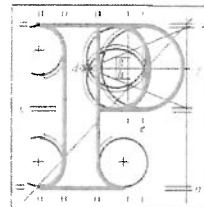
- significantly enhanced public realm with a new public plaza
- provision of a new arts space of 1,648 sqm

In reality, this scheme will bring no 'significant planning gain' to the local community. None. There will be no planning gain. No substantial upgrades to the public realm; no environmental enhancements including open space and green infrastructure to be enjoyed by residents and the wider community; and no significant new social and community infrastructure for the benefit of the wider area. We contend that a proposed arts centre would not qualify in this regard. It does not represent 'significant new community infrastructure'. We would urge the Board to reject this proposal.



Case Number: ABP-315053-22

Planning Authority Reference Number: 4674/22



An  
Bord  
Pleanála

Grant Thornton  
13-18 City Quay  
Dublin 2  
Dublin 2  
D05 ED70

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. Ventaway Limited 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

Tel  
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