



An
Bord
Pleanála

Board Order
ABP-302225-18

Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22nd day of December 2017 by Crekav Trading GP Limited care of Simon Clear and Associates, 3 Terenure Road West, Terenure, Dublin 6.

Proposed Development:

A strategic housing development on a site on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5.

The proposed development will consist of:

1. Demolition of one number existing pre-fab classroom structure;
2. Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St Paul's College incorporating new accesses to Sybil Hill House and St Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian / vehicular gates to the new and existing accesses to Sybil Hill House and St Paul's College;
3. Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road;
4. A residential development of 536 number units comprising 104 number houses and 432 number apartments.

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MH.

The houses will be laid out in four number courtyard perimeter blocks of 26 number units each, and will comprise 96 number terraced three-bedroom units and eight number detached four-bedroom units, all three-storey in height with associated terraces including roof terraces.

The apartments will be accommodated in six number blocks ranging in height from five to eight number storeys (over basement).

Block 1 (five to eight number storeys) will accommodate 143 number units comprising 48 number one-bedroom, 92 number two-bedroom and three number three-bedroom units.

Blocks 2 and 4 (eight-storey) will each accommodate 63 number units comprising 15 number one-bedroom, 39 number two-bedroom and 9 number three-bedroom units.

Blocks 3 and 5 (five-storey) will each accommodate 39 number units comprising nine number one-bedroom, 24 number two-bedroom and six number three-bedroom units.

Block 6 (five-storey) will accommodate 85 number units comprising 59 number one-bedroom and 26 number two-bedroom units.

All apartments will be provided with associated balconies / terraces.

The development provides for:

- Community rooms at ground and basement level of Block 1;
- Gym and crèche facility at ground floor in Block 6;
- Two areas of public open space east and west of apartment blocks;
- Substation / switch room buildings;
- Basement level providing 434 number car parking spaces, 864 number bicycle parking spaces, refuse storage and plant;
- All other site development works and services including roads and footpaths, surface parking (200 number spaces), bicycle parking, bin storage, landscaping and boundary treatments and surface water attenuation facilities.

Board Order Quashed
By order of the High Court

Dated 21/03/2024

Signed: Secretary *Ellen Ward*

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Act and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the information provided in the Screening Report dated 21st December 2017, the Board could not be satisfied that the exclusion from the Natura impact statement of relevant species of special conservation interest associated with European sites within the zone of influence of the proposed development, on the basis of the infrequency of their use of development lands and the low numbers of species involved was appropriate, and therefore that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the North Bull Island Special Protection Area (SPA), (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), the Rogerstown Estuary SPA (Site Code: 004015), or any other European site in view of the sites' conservation objectives.

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Signed: Secretary

Ellen W. O'Connell

2. Having regard to the fact that the subject site is one of the most important *ex-situ* feeding sites in Dublin for the Light-bellied Brent Goose, a bird species that is a qualifying interest for the North Bull Island SPA (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), and the Rogerstown Estuary SPA (Site Code: 004015) and having regard to the lack of adequate qualitative analysis and accordingly the lack of certainty that this species would successfully relocate to other potential inland feeding sites in the wider area, as proposed as mitigation for the development of the subject site in the submitted Natura impact statement, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites in view of the sites' conservation objectives. The Board considered that the proposed development would contravene materially a development objective (GI23) indicated in the Dublin City Development Plan (2016-2022) for the protection of European sites. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the Screening Report recorded that a total of forty-four site visits were carried out at the development site over the wintering bird seasons of 2015-2016 and 2016-2017 and that season peak counts of relevant species of special conservation interest associated with European sites within the zone of influence of the proposed development, were detailed within the Screening Report. However, the Board could not be satisfied in the absence of the survey data from the site visits that the season peak counts recorded were in fact infrequent and/or in low numbers and were thus a reasonable basis for the exclusion from the Natura impact statement of the relevant species of special conservation interest for the North Bull Island SPA (Site Code: 004006), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the Baldoyle Bay SPA (Site Code: 004016), the Malahide Estuary SPA (Site Code: 004025), and the Rogerstown Estuary SPA (Site Code: 004015), or any other European Site in view of the sites' conservation objectives.

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The Board also noted the Inspector's conclusions that the long-term mean population of Light-bellied Brent Geese at each of the five relevant European sites included in the Natura impact statement is increasing over the periods surveyed and that the network of known and potential alternative feeding sites for the Light-bellied Brent Goose was substantial, that they were all located within relatively close proximity to each other within the Dublin area and that variation in the usage of the sites from season to season was recorded. However, the Board could not be satisfied beyond a reasonable scientific doubt that the Light-bellied Brent Geese that would be displaced by the proposed development, would successfully relocate to other sites and/or that these sites would represent suitable alternatives to the subject site, which was acknowledged to be of one of eight *ex-situ* feeding sites of major importance in the Dublin area.

The Board generally agreed with the Inspector's assessment in relation to other aspects of the proposed development, with the exception of the recommendation to remove car parking spaces and furthermore considered that all open space areas, roads and pedestrian linkages to St. Anne's Park should be taken in charge by the planning authority.

DR. Maria Fitzgerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 11th day of September 2018

Dated 21/03/2024

Signed: Secretary 