

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6002/22S3

APPEAL by Raheny 3 Limited Partnership care of Brady Shipman Martin of Mountpleasant Business Centre, Ranelagh, Dublin against the decision made on the 28th day of October 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of:

1. The construction of a residential development set out in seven number blocks, ranging in height from four to seven storeys to accommodate 580 number apartments, residential tenant amenity spaces, a crèche and a 100 bed nursing home. The site will accommodate 520 number car parking spaces, 1574 number bicycle parking spaces, storage, services and plant areas. Landscaping will include extensive communal amenity areas, and a significant public open space provision.
2. The seven residential buildings range in height from four storeys to seven storeys accommodating 580 number apartments comprising 272 number one-bed units, 15 number two-bed units (three-person), 233 number two-bed units (four-person), 60 number three-bed units. Balconies and terraces to be provided on all elevations at all levels for each block. The breakdown of residential accommodation is as follows: Block A is a five-storey building, accommodating 61 number units; Block B is a five-storey building, accommodating 70 number units; Block C is a

five to seven storey building, accommodating 112 number units; Block D is a four to five storey building, accommodating 136 number units; Block E is a four to seven storey building, accommodating 96 number units; Block F is a five-storey building, accommodating 36 number units; Block G is a five-storey building, accommodating 69 number units; Residential tenant amenity space is provided at ground level of Block C, D, E, F and G (circa 961 square metres). External residential open space between and adjacent all blocks. A crèche is provided in Block G with a total floor area of circa 750 square metres and external play spaces totalling circa 583 square metres.

3. A proposed 100 bed nursing home with ancillary amenity and service areas and staff facilities, located to the south of the site, as part of Block G. The proposed nursing home consists of a four-storey building arranged around a courtyard garden which also forms part of the wider Block G.
4. Blocks C and D, and F and G, are located above a proposed basement and central podium containing parking areas, plant areas, waste storage. The car-parking breakdown is as follows: Residential: 471 spaces across basement, podium and surface; Nursing Home: 41 across podium and surface; and Crèche – eight, all at surface level. A total of 1574 cycle parking spaces are provided at basement, podium and throughout the site in both secure parking facilities for residents and staff and at surface level for short term/visitors.
5. Total public open space proposed is circa 2.09 hectares which includes a new circa 1.78 hectares public open space which is provided to the south and east of the site and includes for six number playing pitches of mixed sizes to be taken in charge by Dublin City Council (of a total area of circa 1.8 hectares to be taken in charge). Proposed pedestrian access from the site to the adjacent St Anne's Park is proposed on the southern boundary of the site.
6. Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House 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. To facilitate this new access road it is proposed to demolish an existing prefab building. The application also includes for the relocation of an existing pedestrian crossing on Sybil Hill Road.

7. The routing of surface water discharge from the site via St. Anne's Park to the Naniken River and the demolition and reconstruction of existing pedestrian river crossing in St. Anne's Park with integral surface water discharge to Naniken River.
8. The proposed application includes all site landscaping works, green roofs, substations, PV panels, boundary treatments, lighting, servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development works above and below ground.

All on lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

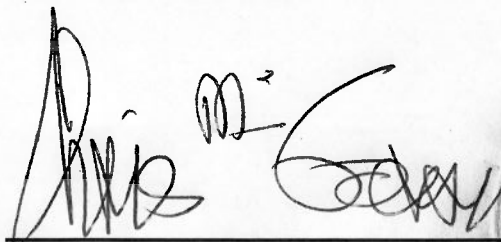
Reasons and Considerations

1. Having regard to the Z9 zoning of the development area of the site, the objective of which is "To preserve, provide and improve recreational amenity, open space and ecosystem services", as per the Dublin City Development Plan 2022-2028, the Commission noted that many of the sites zoned Z9 in the current development plan are predicated on the importance of these sites as an ex-situ inland feeding sites of birds of conservation interest including Light-Bellied Brent Goose, and the protective function which this zoning objective provides as indicated in the Natura Impact Report prepared as part of the Dublin City

Development Plan 2022-2028. The Commission considered that while Section 14.7.9 of the development plan permits limited residential development in certain specific and exceptional circumstances, the extent of residential development, that is, 580 number apartments and 100-bed nursing home proposed on these lands, which is not considered to be a limited degree of residential or commercial development associated with a sporting facility or other associated use. The proposed development would contravene materially the said zoning objective and would, therefore, be contrary to the proper planning and sustainable development of the area. Furthermore, the Commission considered, having regard to the rationale behind the Z9 zoning objective, that a material contravention of the development plan would not be warranted or justified in this instance.

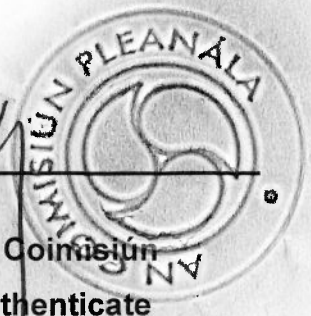
2. Objective CUO25 of the Dublin City Development Plan 2022-2028 requires that large scale developments over 10,000 square metres must provide at a minimum for 5% community, arts and culture spaces as part of the development. The proposed development does not provide for any such floor area, notwithstanding the fact that a minimum total area of circa 3,560 square metres of community, arts and culture space would be required to comply with this specific objective. The proposed development would materially contravene Objective CUO25 of the Dublin City Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the submitted Natura Impact Statement, adverse effects on site integrity of the North Bull Island Special Protection Area (Site Code 004006), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), Baldoyle Bay Special Protection Area Site Code (004016), Malahide Estuary Special Protection Area (Site Code 004025) and Rogerstown Estuary Special Protection Area

(Site Code 004015) cannot be excluded in view of the conservation objectives of these sites and reasonable scientific doubt remains as to the absence of such effects in particular, adverse effects on the conservation objective of Light Belled Brent Geese (LBBG) of "Distribution" and "Population Trend" and their specific targets. A reasonable scientific doubt exists as to the impacts of the proposed development on the site integrity of the above listed Natura 2000 sites, and adverse impacts therefore cannot be ruled out without further analysis and assessment, and therefore the precautionary principle has been adopted. It is considered that the proposed development would materially contravene Policy GI9, Policy GI10 and Policy GI13 of the Dublin City Development Plan, 2022-2022 for the protection of European sites, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

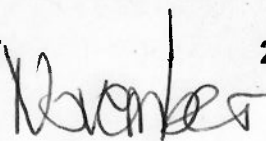
**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this



day of



2025.