

Ashgrove
Coolock Lane
Santry
Dublin 17
D17 T622

August 2022

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

Re: Case reference: TA29N.314019: At the junction of Santry Avenue and Swords Road, Santry, Dublin 9. (www.santryavenueshd2.ie)

The proposed development provides for 350 no. apartments, comprised of 113 no. 1 bed, 218 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to fourteen storey buildings, over basement level, with 4 no. retail / commercial units, a medical suite / GP Practice unit and a community use unit located at ground floor level facing onto Santry Avenue and Swords Road. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D.

Dublin City Council Area-Strategic Housing Development Application

Dwyer Nolan Developments Limited (Applicant)

Dear Sir/Madam,

I wish to make the following observations on the above case. I make this observation in the context of the post construction experience of other related developments and or proposed developments with extant planning approvals, in the Dublin City Council area of the original Santry Village at the north end of Santry and its environs.

The context of this application should also include the associated existing developments/proposed developments in the SHD and non SHD process, or those with extant planning approval in the adjacent Local Authority Area of Fingal. The Fingal developments are concentrated in Northwood which is inextricably and historically part of Santry and the original Santry Village nexus and its environs.

This application should also be taken in context with the major DCC housing project contained in the Dublin City Development Plan 2016-2022 at the so-called Oscar Traynor Road Site which is also known as the Lawrence Lands and situated on the road shown on maps as Coolock Lane or the R104. This is the main route between Santry Village and Coolock. This is a major artery in terms of traffic if not in size. It is subject to major traffic congestion for large parts of each day and features on daily traffic reports. Santry Avenue is a continuation of this route also being part of the R104.

The Oscar Traynor development will be a major residential development of 600 -800 houses and apartments which will rely on the same infrastructure as the rest of Santry as despite its name (Oscar Traynor), it is part of the original lands of Santry and is historically and for practical purposes part of the hinterland of the original village and wider locality of Santry. I live on the original Coolock Lane east of the M1 interchange which has always been designated as part of Santry and was in fact in Dublin 9 for many years. There are several large residential estates in this area such as Aulden Grange and Woodlawn and Santry Court which are very much a part of the Santry community and gravitate towards the facilities and services of Santry. For the developer to disregard this portion of Santry in the narrative of the application and Architectural Design Statement and Community Audit etc is lacking in transparency and disingenuous in providing the full context.

UNSUSTAINABLE OVERDEVELOPMENT IN SANTRY

Santry's Fourth Large Development in Material Contravention of the Development Plan

(4) Santry Avenue-current application - 350 apartments, 5 retail/commercial units

The proposed development if permitted will be the fourth large apartment development either built or with existing planning permission and awaiting construction, all sited in a very small area of Santry. All four developments are on an approximately 450 metre stretch of the Swords Road between the Omni Shopping Centre and the junction of Santry Avenue and Swords Road. The site of this current

application is located at what remains of the oldest part of Santry Village, at the Santry Avenue/Swords Road intersection. It is right on the City Council boundary with Fingal County Council.

It is the fourth development, which, if granted permission, will be in Material Contravention of the Dublin City Development Plan in terms of

- Zoning
- Height
- Density

As with the three earlier development applications, this SHD application is also seeking to exceed the building height for the area as laid down in the current Dublin City Development Plan 2016-2022. This is a clear demonstration that material contraventions are systemic in the Planning and Development system and are being used to drive a coach and four through the democratic and considered process of the statutory Development Plan process.

Most importantly, this creeping undermining of the Dublin City Development Plan is not producing sustainable holistic communities. This is most acutely the case in both the Dublin City Council controlled part of Santry Village and in the Fingal Local Authority part of Santry Village in Northwood. The SHD process is permitting An Bord Pleanála to approve multiple applications for SHDs in both locations without proper consideration of the true needs of existing and future residents of both parts of Santry Village. It is total developer led planning and the people of Santry are merely incidental to the whole process. Developers are taking advantage of the unusual amount of light industrial sites in the village and the private ownership of a large part of the original Santry Demesne, to pack the area with mostly rental apartment blocks with no matching proper infrastructure that caters for Santry Village proper and the ever-increasing population. It is most indicative of the flawed process that the large existing residential population, a number of nursing homes, the Santry Sports Clinic and the Gulliver Retail Park within Northwood which are there for some considerable decades, have no public bus service within its privately owned part of the lands previously within Santry Demesne.

There is a private bus service from the hotels just inside the main entrance to Northwood. It is telling that the long-term residents of Northwood are forced to trek all the way to the Swords Road for a bus service or out to the Ballymun exit to walk to the nearest bus service. This demonstrates the complete neglect of proper planning and infrastructural services when things are left entirely in the hands of a developer led process. There can be little confidence that this process can or will deliver integrated proper development for communities. The interests of communities must be defended and moulded by proper planning decisions that

do not compound an already failing oversight of proper necessary development both residential and infrastructural.

(1) Swiss Cottage – completed -120 apartments and 5 small retail units-Build to Rent Development

The Swiss Cottage site was granted permission for 120 apartments and 4/5 small units on the ground floor for retail use. The development is one of the least intrusive of those either built or proposed for Santry. The retail units are right on the Swords Road at street level. Even so, only one of the retail units has been occupied 2 plus years after the development was completed.

The occupied unit is a coffee shop. The fact that the units are still largely unoccupied after 2 plus years, raises questions as to whether the typical high-flown rhetoric about the benefits of such developments creating a vibrant street level ambience are mere ticking of boxes for the planners. I would argue that the generic model of mid to high rise apartment blocks with a few retail units at ground level is a failed model of development and does nothing to build vibrant and sustainable communities. This is especially true of the development that has taken place in Santry Village to date. More of the same is not what Santry needs and is not conducive to the ambition of the City planners to build to the concept of a “15 minute city”.

(2) Santry Place-completed 207 apartments, creche, community space, office/retail units-(Blocks A, B and C) -Build to Rent Development

Blocks D, E and F to be constructed yet. Further planning application with DCC to increase apartment number by 48 plus other amendments to Office Space permitted.

Previous application to DCC to amend remaining permission was refused on the grounds of it being inappropriate in scale and massing etc

The Santry Place development was granted permission for 207 apartments, a creche, a community space and 5 retail/office units in Blocks A, B and C. This part of the overall development is complete and has been marketed but the retail units on the block along the Swords Road elevation are unoccupied some considerable time after completion. Again, this demonstrates that the model of development approved is not working and does not successfully incorporate the buildings into the area of the Swords Road for pedestrians and does not provide a place making function. On the contrary it does quite the opposite. The large bulk of the building is oppressive and does not retain or complement existing settlement patterns of the village. At various times in the day it obscures the solar gain for walkers and creates a canyon effect is

unpleasant for the public in contrast with the human and open scale of previous development there.

It should be noted that there is an existing and as yet unused planning permission for 3 further blocks D, E and F for Santry Place. There is currently a further planning application with Dublin City Council seeking to add 48 further apartments and to make other changes to the existing permission. This will if permitted increase density on that site and in combination with the Santry Avenue SHD site if permitted. Again, there is no increase in necessary infrastructure in the area.

(3) Omni Living -approved and pending development -324 apartments, 81 bed aparthotel and creche

The Omni Living SHD was granted permission for 324 apartments, an 81 bed Aparthotel and a creche. The commencement of this development is pending. This development was granted with a Material Contravention of the Dublin City Development Plan 2016-2022 regarding height. It is zoned Z6 District Centre, nonetheless it was granted permission although it is a predominantly residential development which is not consistent with the obvious intent of the Z6 zoning. This proposed development has been given permission for a 12 story building on the Swords Road. Again it was posited as a landmark building as justification for the height and as a gateway building. How many landmark and gateway buildings does a suburban village on the extreme edge of the Dublin City Council boundary need? Planning authorities really need to consider the whole picture and prevent strategic takeovers of such villages by inappropriate piecemeal construction by developers in serial breach of the Dublin City Development Plan 2016-2022 for the area in respect of Zoning, Height and Density. Even one applies the 2018 Apartment Height criteria the transport measure SPPR3 was not met and the same is true for the current application at Santry Avenue and for Santry Place and the Swiss Cottage.

(4) Santry Avenue SHD 2 is seeking permission for 350 apartments, 5 retail/commercial units and a community use building for residents. It is seeking a Material Contravention in relation to height and is clearly not in alignment with the intended type of development under a zoning Z3 and to the intelligent layman or woman in contravention of the intention of the existing zoning in the Dublin City Development Plan.

CUMULATIVE INAPPROPRIATE SCALE AND DENSITY

The cumulative scale and density of these developments is oppressive and inappropriate in the small footprint of 450 metres length of the Swords Road. The massing scale and density of the combined developments dwarfs and overshadows

/will overshadow the village of Santry from Santry Avenue to the Omni Shopping Centre. The combined developments do not form a coherent, well planned whole. Those built so far are out of scale with the receiving environment and are monolithic in their cumulative effect. These already built developments together with the Omni development when built and the proposed Santry Avenue development if permitted, will have destroyed the character of the village. They do not pay any regard to the context, the established building pattern and scale of the existing dwellings in the old village area ie on the Swords Road opposite the Demesne section, Santry Villas and its green together with the village Church of St Pappan, the retail section of the road which contains the last Swiss Cottage building which characterised the original village, the houses in Schoolhouse Lane, the Magenta estate and onwards to the rest of Santry along the Swords Road. They have already and will further diminish the amenity of the established residential areas.

The existing buildings are already overbearing and detract from the light and sun in the village. The approved Omni SHD and this current development if permitted, will become even more overbearing and form a complete wall of incongruous, incoherent, and over densified buildings. The microclimate effects are already being felt by pedestrians on that stretch of road and it is no longer a pleasant and sunny place to walk or wait for a bus or cycle through. This wall of SHDs and other apartment blocks approved pre SHD in contravention of the DCC Development Plan re height is also creating a stretch of road which is not conducive to a feeling of security particularly at night as there is no connection to the buildings at street level which would could give some sense of security. This is in a directly opposite effect than was put forward by the developers when applying for permission for these developments. Much talk of providing linkages, bringing movement and placemaking etc. The developments have failed to provide any of these.

The retail elements of the Swiss Cottage apartments are vacant except for one unit. The retail units supposed to form a connection between Santry Place and the Swords Road are also still vacant. If these units are still vacant after a number of years why would it be a reasonable expectation that Santry Avenue SHD2 will succeed where the others have failed? This model does not work in practice and has been demonstrated not to work.

It is also surely relevant that an application for a development of the owner's lands at Santry Place in place of the already existing permission for blocks D, E and F, was recently refused as not being consistent with good planning. The full text of the decision is attached to this submission. I submit that the broadly similar considerations given for this refusal should apply to this present application which is arguably even more intrusive to the only remaining area of Santry Village that reflects its long and interesting heritage which has unfortunately been destroyed by extremely poor planning decisions or lack of a proper plan for the village. Santry Villas is the only

remaining element to reflect the heritage of Santry, apart from St Pappans Church which is a protected structure and the Pharmacy building which is the last of the Swiss Cottages that were a feature of Santry.

The design and pattern of Santry Villas and the Village Green in front of the estate reflects in its design the original rooflines and building a line of the original Swiss Cottages. This development would dwarf this pleasant estate and green space and the mature and valuable chestnut tree which gives it character. The residents of Santry have expressed a strong wish that the unsightly and now semi-derelict warehouses in front of St Pappans and beside Santry Villas could be re-developed by the Council into a more fitting public space for the village that would encompass elements that would represent the valuable lost built heritage.

To permit such as discordant and oversized development at the edge of the county and city boundary in such an unsympathetic manner would be crass and not represent good planning or respect for the existing residents and the context of the area. The development as a whole and a 14 storey or even an 11 story building as requested by the Planning Authority at the pre planning application consultation with the PA and ABP, will loom over the Park, the Village and the approach road to Santry in a jarring manner. Rather than being a landmark it will be an eyesore. I note that the applicant has ignored the request at the pre application consultation, to reduce the 14 storey building proposed to 11 storeys. This part of the Swords Road and Santry has been bypassed long ago and does not need a landmark building to announce the arrival at the city limits!

The gradual transition along the Swords Road at the Northern end of what was the full Demesne and its lands marking the progress from county to city is clearly enough signalled by the increase in residential property gradually increasing in density as one travels south to the city.

The Swords Road through Santry is not a main artery to the city any longer. It was bypassed for a reason-capacity was limited and the already increased density of housing made the capacity issue more pressing.

The lack of capacity for more traffic is demonstrated by the fact that many of the long-standing houses between the Omni Shopping Centre and the flyover at the NI junction at Shantalla Road, are to lose parts of their front gardens by CPO to facilitate the Bus Connects project. These CPOs will only marginally improve the situation and will likely be negated by more traffic generation by over densification of the Northern end of Santry Village. The East West congestion on the R104 will also worsen if this development is permitted whatever the submitted reports say. The applicant's Architectural Design Statement acknowledges the traffic filled nature of the roads right at the point they wish to develop. They can't have things both ways. They push

the excellent road links to the M1/M50 and Port Tunnel and Dublin Airport but downplay the existing and very real on the ground problems of traffic congestion in all directions, poor road infrastructure, poor public transport links and capacity. In point of fact, to access the Port Tunnel one has to drive north on the M1, negotiate a major interchange over the motorway to come back southwards to enter the tunnel! Hardly easily accessible for residents who wish to access it from Santry.

The development as planned is completely out of place at this part of the village. It will dwarf the last remaining part of the village's character at a sensitive location. Building heights and densities at this point where Santry Demesne marks the transition from the DCC area to the Fingal Council area are characterized by open space, parkland and low density and height along the Swords Road. The development planned is jarring and insensitive in design in terms of height, density, overall design and placement. Taken with all the other development on that part of the village the cumulative effect is of a solid wall of large blocks of buildings with no demonstratable gain to the village in terms of placemaking in the true sense of the term in the planning context.

Other brief comments:

- Injurious to the preservation of the heritage nature of the adjacent COI Church of St Pappan.
- Santry Villas could also be considered as one of the oldest parts of Santry Village in terms of its built heritage. The Villas have echoes of the original Swiss Cottages in their design and placement. The green space in front of Santry Villas serves as a type of Village Green space with a very large very mature Chestnut Tree.
- Santry Residents are anxious to have the derelict warehouses near the church removed and a more sympathetic use of the space in keeping with the heritage nature of the church and St Pappan's well which has been hidden by the ugly and now vacant and derelict warehouses. That the warehouses were permitted there at all is a planning aberration in itself and should never have been permitted.

ROAD AND TRANSPORT INFRASTRUCTURE & BUS CONNECTS

The necessary road and transport infrastructure are not and will not be enhanced by a further oversized development at one of the most sensitive points in the old village. Traffic is already a problem on the Swords Road which is a Regional category road and not a National category road. The proposed Bus Connects plan if fully implemented will worsen the traffic situation and the cumulative effect of the additional traffic from the Omni, Santry Place and Santry Avenue developments will compound the situation with all the adverse consequences. Indeed, the road is so inadequate in places in width that Bus Connects will have to CPO front gardens of houses to make way for bus lanes and cycle lanes. At one point the cycle lane will divert into Lorcan Estate as there is not enough space to fit lanes in safely. Bus Connects has also proposed that the filter lane turning left from Santry Avenue onto the Swords Road heading North should be removed. This will exacerbate the traffic build ups and delays for traffic on Santry Avenue which already has serious congestion issues much of the day. Santry Avenue is essentially a two-lane regional road which dates from the time of much lighter volumes of traffic. It is not built to carry the present volumes, let alone the extra volumes from Santry Place, Omni SHD, Swiss Cottage and the Applicant's development should it proceed. There are no bus lanes on Santry Avenue except for a very short one near the Ballymun end of the avenue which is the R104. There is no apparent scope to widen this narrow road.

I have previously (with the first Santry Avenue SHD application observations) enclosed a disc with screenshots taken pre pandemic from the version of Google Street View available at the time Swiss Cottage development was about to commence building. The hoarding can be seen in one of the screenshots. As can be seen there was already a regular build up of traffic on the R132 Swords Road from Santry Avenue junction to the Omni Centre and beyond to the Swords Road at the proposed Hartfield SHD at the Collins Avenue/Swords Road junction. Google street view usually operates when the traffic is lighter, so this volume is a mild version of peak times. The weather is dry and sunny. During wet weather traffic volumes increase and traffic is much more congested. To say there are good links to other transport links is inaccurate if you factor in the distance to the nearest railway link in Drumcondra 4 k away per the Applicant. There is a pinch point at the bridge over the N1 which has little scope for widening if any. The N1/Swords Road are always very heavily trafficked and the access to this section of the road to the City Centre is difficult and slow. In any event the Applicant cannot rely on the proposed Bus Connects development as it is still at the planning stage. Nor can the applicant rely on the contention that the proposed development fulfils the criteria laid down in the Section 28 Guidelines on Building Heights and in particular the criteria that-

*“the site is well served by public transport with **high capacity, frequent service and good links to other modes of transport**”.*

The High Court has upheld this point in the case of Rita O'Neill v ABP and Ruirside Developments Ltd High Court 2020 No 45 JR Judgement of Justice Denis McDonald on 22 July 2020.

The learned Judge held that the Applicant was required to and failed to demonstrate that this criterion was met. There was no readily accessible rail link or links to other modes of public transport at the time of the application in Ruirside's case and they did not meet the SPPR 3 criteria satisfactorily. Thus, under the guidelines the applicant's site must be **currently** well served by public transport with high frequency and high capacity and must, **currently** have good links to another form of transport. There is no Luas or Dart in Santry or nearby/readily accessible. There is no readily accessible rail link. The proposed Metro North has already been delayed/shelved twice and is deferred again. It does not exist, and it may never exist. Even if it is built it will be in Ballymun and in the Applicant's own report with the first SHD application puts the nearest proposed stations at 1.4k and 1.6k distance and walking time of 19/20 minute. This is an optimistic estimate of the walking time unless you are young, fit and unencumbered by children in buggies and/or on foot or you are otherwise unable to obtain the briskest pace.

Cycling is not an option for many people for many, not least the aged, disabled, or wheelchair users. Indeed, bicycle thefts have been a frequent and real hazard in the district and especially around the nearest proposed station at the Ballymun end of Northwood in Santry Demesne. It is a frequent occurrence at present that adult fit males are relieved of their bicycles by gangs in and around Santry Demesne. There is little or no Garda presence to deter such activity.

Regarding existing bus services, it is true there are several routes which pass through Santry to the City Centre and across from Kilbarrack to Finglas Village where **a bus change is now required to bring users to Blanchardstown**. Previously before new routes under Bus Connects this bus change was not required. None of the routes originates in Santry and it is a normal feature that buses are full by the time they reach Santry. This is particularly the case as many of the routes emanate from specific estates in Swords or from the Airport or from places as far as Skerries and Rolestown. It has always been the case that when buses reach Santry they are full or almost full and have **limited capacity**. The Applicant has not factored in the large residential population of Northwood which is also part of the general Santry Village catchment area right beside the proposed development, in any consideration of capacity of the public transport service. Frequently many passengers can board at the bus stop across from the main Northwood entrance which is opposite Santry Close. As buses serve the Airport there are larger bays for luggage in the Airport bus route. This also reduces

capacity for passengers boarding at Santry. Northwood is still growing in terms of developments in progress and applications for planning permission for SHD and other residential developments. None of this has been factored into the application. The Applicant has however seen fit to use Northwood Census data to demonstrate the reducing level of potential car ownership in Santry! This is disingenuous and frankly lacking in transparency and is cherry picking to suit the case. The Applicant has not factored in any of the potential or ongoing developments in Northwood or indeed the existing population there in any other assessments as far as I was able to ascertain from the copious documents submitted to the planners. On the other hand, there is more cherry picking from “facilities” in Northwood to bolster the Community and other audits/reports. The non-existent Metro North is also used by the applicant though it is still unclear when if ever it will exist.

It is worth making the point that the R132 through Santry is no longer a main route to the city having been bypassed by the Santry bypass and the N1 / M1. Indeed the Planners and City Council had the foresight to set aside land for this bypass decades in advance when the earliest private developments were taking place. The estate of Lorcan is bisected by the bypass. It surely is incumbent on those assessing current planning applications to have equal consideration and foresight on Santry’s current and future needs and not cede everything piecemeal to private development with no provision made for housing for the elderly, road infrastructure, school infrastructure, HSE primary care centre, library, cultural community needs such as exist in Ballymun,

ACCESS TO FINAL DEVELOPMENT

The developer states that there will be access to Swords Road via the Santry Place access point. This is surely not permitted without explicit and distinct planning permission. The extant permission to access Swords Road applies to the Santry Place development only. This is a sleight of hand avoiding a proper consideration of the suitability of using this access point in a transparent manner.

FLOODING

Santry has a long history of flooding which still occurs. Any further major development is likely to put further pressure on an already problematic drainage system in the Village. I previously enclosed a disc with links to Videos of severe flooding and articles in relation to regular major flooding events in Santry that are not mentioned by the applicant in the Planning documents. The videos and articles speak for themselves. They were easily found with a quick google search and should have been discovered by the applicant and disclosed. The disc was submitted in observations to the first Santry Avenue SHD application.

MICROCLIMATE ASSESMENT

I note that an assessment has now been submitted with this second application. It is interesting to note that this has only now been provided when the issue was raised in my previous observations on the initial failed application. This is yet another example of the cynical attitude of the developers towards the whole planning process. If this application was for South Dublin or similar areas a hugely detailed report on this topic and all other relevant issues would be submitted as standard. It seems that anything is good enough for Santry in the developers views and there is no equality of expertise on behalf of the current residents or future residents who may live in developments in the area.

BATS

Local residents have confirmed that they regularly see bats in the are of the St Pappans Church. Their flight paths take them across to Santry Avenue and the edge of the Demesne and the general area of the Heiton Buckley site. The applicant has failed to disclose this if aware of it. The author of the Bat Survey while stating that there was no evidence of Bats in the building to be demolished, does not appear to have been aware of the existence and regular flight paths and foraging areas which must be affected by such a large development. A more comprehensive study is needed. I may be mistaken but I think the original survey has been resubmitted and is dated 2021.

INDUSTRIAL HERITAGE BUILDING

As has been noted by the DCC Inspector in the first SHD application for this site, there is an attractive Industrial Building on the site which is due to be demolished. This building is of Industrial Heritage value and should be retained and re-purposed for a cultural or community use that would enhance Heritage history of the Village. If the warehouses at the Church were sensitively replaced by a suitable building such as a library or other cultural use it would enhance and retain some of the rich history of the area and complement the Santry Demesne history. The site is right at the location where the small amount of the original village heritage remains. As such every effort should be made to incorporate the building on site and it should not be demolished.

DEFICITS

Santry has no Public Library.

No Primary Care Medical Centre
Insufficient GP capacity

No Public Swimming Pool

No Cultural facilities such as exhibition area or theatre/performance areas which would facilitate local drama groups and performers and other entertainment media. A multiplex cinema is not sufficient cultural provision for the full range of the population of the area.

No provision of school places in Santry

CAR PARKING

The reduction in available car parking within the development is problematic for the residents of the development and for residents of the roads and estates adjacent to the development and in the general Santry area. It is the case that already, residents of Swiss Cottage Apartments are overspill parking in Magenta Crescent and other roads and location to the detriment of residents. This is a common complaint throughout Santry and Northwood. Overspill parking is a real hazard when it blocks access for emergency vehicles, ambul

ance or other transport for residents who have disabled or mobility impaired family members who need ready access to their homes. This is a real issue, and it has been raised by residents in previous submissions on the Omni and other planning applications. When the Swiss Cottage and Santry Place developments were ongoing the workers on the developments were parking all over the Santry village area and further afield causing nuisance and difficulties of access etc for residents. I note that the workers on the current application if permitted are to park onsite only and forbidden to park elsewhere. This demonstrates that parking overspill is a real planning consideration which must be addressed in balancing any decision. It is a regular issue on the Northwood facebook page where residents are regularly looking for parking spaces to rent in Northwood. Planners must plan for what is necessary for residents old and new to live in a reasonable and predictable environment.

GENERAL **INFRASTRUCTURE DEFICITS**

On the one hand the applicant and government policy and planners point out how these proposed developments are adjacent to the M50 and Port Tunnel and then fail to face the realities of the necessity of car ownership and use for many to commute to work, schools, medical facilities after school activities all based outside the Santry area! With the best will in the world inadequate social infrastructure and transport will not lead to the desired reduction in car traffic and parking needs. Time poor parents

and carers of elderly or mobility impaired family simply cannot travel everywhere by bus. All of the schools and many essential services such as doctors and medical services are insufficient to the present needs of the population in the immediate and slightly wider Santry area. The only school to have been established for Santry in Santry is the Gaelscoil which is at the very edge of Santry across from where I live. At the risk of being flippant and disrespectful which I do not intend, I believe that the Gaelscoil may be the only school established in Santry since the Santry Charter School in the days of Ascendency, a considerable time before the founding of the State. To get to the school on foot or bike children and their parents must cross the M1 interchange with no pedestrian crossing or effective traffic calming measures on traffic exiting and entering the M1 and M50. There has been no apparent infrastructure audit by the planners on the needs of Santry residents. The planners are required to be proactive in this regard under the terms of the Development Plan. Incidentally the Gaelscoil is beside the land earmarked for a major DCC development known as the Oscar Traynor SDRA which is planned to accommodate some 600 housing units if it ever happens. This development as planned was in fact a model of the type of balanced development that should be happening in Santry Village. It was to have a mix of housing types and ownership and varied building heights. Unfortunately, the designers of this masterplan have not been deployed in Santry Village.

MATERIAL CONTRAVENTIONS-CURRENT APPLICATION

- 1 The proposed development if approved would be in Material Contravention of the Dublin City Development Plan 2016-2022 in relation to the proposed height and density of the development. The justification case by the Applicant for such a Material Contravention is not valid.
- 2 The proposed development if approved would also be in Material Contravention of the Dublin City Development Plan 2016-2022 in relation to the proposed development which is primarily a residential development and **not a development appropriate to the zoning of the site as Z3 Neighbourhood Centre.**
- 3 However, it is clear from the any ordinary reading of the text of the City Development Plan that the Z3 zoning is not intended to be for a substantial and primarily residential development. **Residential elements if present in applications for planning permission in areas of Z3 zonings are clearly intended to be only an element** of any permitted development and not the principal and very substantial element of the size and nature of an SHD development. SHDs must be a minimum of 100 residential units. I would argue

that, even if the proposed development was for 350 two story houses, with 5 small retail units it would still be in breach of the specified Z3 zoning. This development is for 350 apartments and the only non-residential elements are 5 retail units. The development is overwhelmingly residential (90%).

- 4 This application in a Z3 zone could be described very much as the tail wagging the dog. Put another way it reminds one of the much criticised ad campaign by Saatchi and Saatchi in the UK for the V&A Museum which had the tag line : “an ace caff with quite a nice museum attached” . An adapted version would be an ace neighbourhood centre with a nice SHD attached.

The zoning signals the nature and appropriate use of any site designated under the City Development Plan. The zoning does not designate the height limits of a piece of land.

The Ministerial Guidelines under Section 28 of the Planning and Development Acts as amended are relied on by the applicant in relation to the height of proposed developments. The guidelines do not entitle An Bord Pleanála or any other body to disregard the zoning of a site completely and systematically, in contravention of the zoning designated under the Statutory Development Plan. Any change of zoning is a reserved function of the Councillors of Dublin City Council and as such the zoning may only be changed by the Councillors. For An Bord Pleanála, or any other body, to permit a development that is so clearly in contravention of the Statutory zoning, is I contend, “*ultra vires*”. To do so four times in succession, for four separate developments in a 450-metre stretch of the Swords Road at Santry Village, is a systemic disregard for a Statutory City Development Plan and an abuse of what I understand is meant to be an exceptional use of Material Contravention.

To illustrate my point, in March 2020, the CEO of Dublin City Council brought a series of proposals for variations to the zonings of many sites, across all areas of Dublin, to the Councillors of Dublin City Council for approval. Two of the sites for consideration were in Santry. Both sites were proposed to be rezoned to Z1 Residential from their current zonings of industrial use designations. If the CEO of DCC felt that there was no problem with permitting residential use or developments on lands that were not zoned Z1 why go to the trouble of seeking to have the zonings varied? It is presumably open to the owners of the lands the subject of this planning application and others like it to seek to have the zonings changed to Z1 Residential to permit an orderly and transparent process which would be subject to public consultation and the consent of a majority of the Councillors. To simply ignore the obvious intent of the existing zoning as designated in the Development Plan is not in accordance with good planning and sustainable development processes. It appears to be a systemic back door

process to subvert the democratically legislated zoning processes. For it to happen so frequently, especially in one small area is not good practice or transparent.

I submit these observations for your full and considered attention please and enclose my fee of €20

Yours sincerely,

Anne O'Neill