

Ashgrove  
Coolock  
Lane  
Santry  
Dublin  
17  
D17T622

29 September 2022

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

**Re: Case reference:** [Case reference: TA29N.314458](#)

**314458: 457 apartments. North West corner of Omni Park Shopping Centre, Santry Hall Industrial Estate, Swords Road, Dublin 9.**  
[www.omniplazashd.ie](http://www.omniplazashd.ie)

The proposed development provides for the demolition of buildings on site, construction of 457 no. apartments, creche and associated site works. Proposed development will range in height from 4 storeys to 12 storeys across 4 blocks on land zoned Z4 District Centre.

### **Dublin City Council Area-Strategic Housing Development Application**

Dear Sir/Madam,

I wish to make the following observations on the above case. I make these observations in the context of the post construction experience of other recent developments and proposed developments with extant planning approvals, in the Dublin City Council area of Santry and the Fingal County Council area of Santry stretching from Northwood to the Shantalla Flyover which is the true and complete functional extent of Santry village from north to south and from Larch Hill to approximately where the road through Ballymun to the back of the Airport and south to the city centre bounds the east to west extent of Santry.

## OVERALL CONTEXT

I contend that a proper consideration of this application should also include the associated existing developments/proposed developments in the SHD and non SHD process, and 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 complete area is functionally and practically also part of Santry. **The full impact of any developments in either Local Authority area should be considered in the context of the whole of Santry. The Fingal area of Santry also includes the estates at Santry Close, Royal Oak, Oak Park, Oak View and houses along the Swords Road from Santry Close to Coolock Lane and Santry Villas.**

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/Kilmore. The boundary of Santry has been at the start of the Oscar Traynor Road which starts just past Larch Hill estate going east. The R104 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 historically and for practical purposes forms 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 and Larch Hill which are very much a part of Santry and its community, and which gravitate towards the facilities and services of Santry.

For this developer and any such applicant to disregard this portion of Santry in the narrative of their application, submissions and Community Audit etc is lacking in transparency and disingenuous and fails to provide the full context. It is essential I submit that ABP and DCC should decide on this application in the full context of the true extent of Santry as outlined above.

## **OVERALL OBSERVATION**

In broad terms, I submit that this application should not be approved given this overall context which demonstrates that the area cannot absorb yet another SHD as the total infrastructure of the area is already overstretched beyond capacity in terms of:

- roads,
- existing public transport capacity,
- water service capacity,
- wastewater drainage capacity,
- educational services capacity,
- public health service capacity,

No capacity or proposed capacity in terms of cultural and associated infrastructure such as:

- public library,
- performance space for cultural activities such as drama groups,
- music/concert performances
- exhibition of local art and heritage events
- indoor markets / festival events.

There are no Cultural facilities such as an exhibition area or theatre/performance area which would facilitate local drama groups and performers and other entertainment and cultural media. A multiplex cinema in the Omni Shopping Centre is not sufficient cultural provision for the full range of the population of the area.

## **OVERDEVELOPMENT AND INAPPROPRIATE DEVELOPMENT**

If Santry is entirely built out with SHDs there will be nowhere for the services needed. This is not in keeping with the requirement for proper planning and development for the area and will diminish the living standards of existing and future residents by overcrowding the area in a much smaller footprint than that on which the Ballymun Towers were built. Lessons should be learned from the failure of the Ballymun experiment and applied to Santry and all planning applications there. There is already a deterioration in the atmosphere in Santry due to the increase in population with lack of facilities. The fact that most of the new developments are rental only is not creating a strong community due to the transient nature of the tenancies. Even where development are not build to rent they are inevitably bought by funds for rental purposes. One of the few

developments of actual houses was largely bought out by an investment fund and has multiple rental occupants and not families. Families are living in small apartments with no real community space that they can identify as their area with stability and safety and neighbourhood environments. This has knock on effects with anti-social behaviour as youngsters and even adults are easy prey for older cohorts of youths from other areas who roam with impunity around the environs of apartment blocks. This will be even worse the higher the blocks are built as the oversight from residents is reduced the higher you go. The area is becoming a magnet for all sorts of undesirable activity including drug users and other problem cases.

Parents are rushing to get children to schools outside Santry and resort to driving because there are no local schools.

The growing transient nature of the population has been increased by the Crowne Plaza Hotel being used as an alternative to Direct Provision facilities. It was previously contracted for quarantine facilities during Covid. A hotel has a transient population by its nature but is not designed for use as a long term residential facility for refugees or asylum seekers or quarantine residential accommodation. Santry is becoming overwhelmed by a growing population with nowhere to go other than a shopping centre and a cinema and endless coffee shops. This is not a living thriving community.

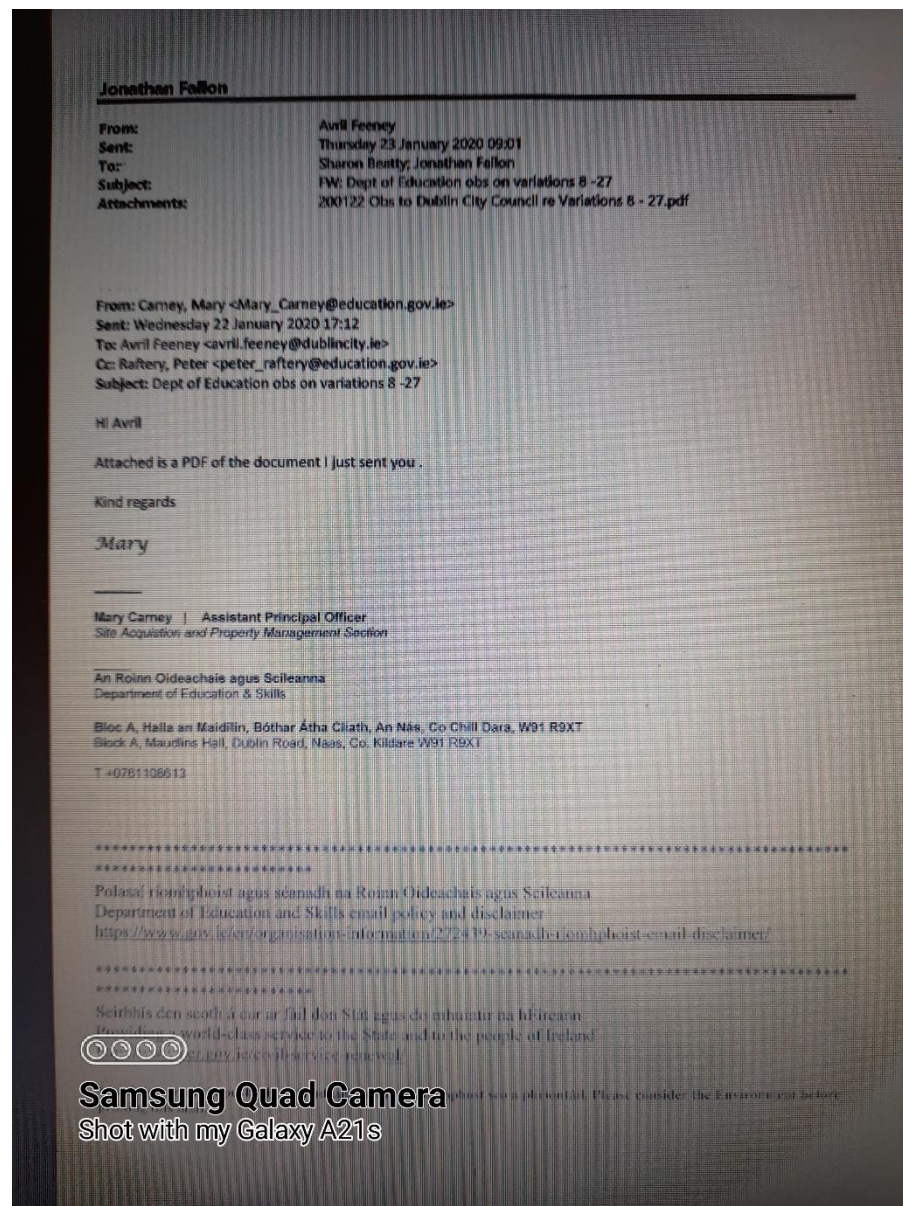
## RELEVANT CONSIDERATION

### DEPARTMENT OF EDUCATION VIEWS ON PROPOSED REZONING

It is telling that the Department of Education expressed concerns in relation to a proposed rezoning of lands in Santry to residential zoning in 2020. The proposal was rejected by the DCC councillors because of concerns about the capacity of Santry to cope with the likely increase in population if such lands were developed for more housing with no proper provision of infrastructure such as schools. The Department specifically singled out the proposed Santry rezonings because of their size and their estimate of increased need for both Primary and Secondary schools places.

Please see copies of the 4 pages of the Department of Education submission of January 2020 on rezoning copied below. The quality is not the best but it is legible as I have read it through and I can read it all. I trust that the Board will also read this document carefully as it goes to the heart of the issues being raised constantly by residents of Santry, As stated by the Department of Education in relation to the numerous SHD applications there is currently no

provision for reserving or procuring land/sites for the inevitable requirement for schools and other public essential services that will arise.





Ms Avril Feenay

### Planning and Proper

2016-2022

Dear Ms Feeney

The Department of Education and Skills welcomes the opportunity to input to the above proposed variations which seek to rezone 20 small and medium land banks within the city area that are recommended for rezoning from Z8 (employment) to mainly residential use. We note that that the entire area of the land involved is 55 hectares and that indicatively this could provide for a total estimated 4,000 residential units.

While we welcome the opportunity to comment on the proposed variations, we also think there is a pressing need for a regular structured engagement to take place between our respective organisations so that we can work together proactively to ensure that adequate educational provision is available in the right locations in order to meet the needs of the increased population and ensure a good quality of life. The adoption of the National Planning Framework (NPF) and the Regional Special and Economic Strategy (RSES) for the Eastern and Midlands region set targets that can only be met through urban consolidation and compact growth. We note the guiding principles for the growth of the Dublin Metropolitan Area provide that there is coordination and active land management; alignment of growth with enabling infrastructure (including schools); realizing opportunities for social as well as physical regeneration; enhancement of provision of regional parks and strategic green infrastructure. We note that the City Development plan is being varied to reflect the NPF and RSES and that the current rezoning of the 20 land banks is being proposed as part of the delivery. In light of the shifts in planning policy and the consequences for compact population growth in Dublin City, it is vital that there is a regular structured engagement between the Department of Education & Skills and Dublin City Council. Individual variations or planning developments may not of themselves result in a requirement for significantly increased educational provision but when taken cumulatively there could be a need for increased provision that will not be identified in a manner without collaboration. This is a particular issue with the Strategic Housing

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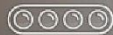
Development procedure. The Department has found it difficult to assess the incremental impact of individual SHD applications on overall school numbers relative to the total projected residential numbers envisaged for the life of the City Development Plan. Therefore, the Department would welcome, as part of the proposed regular structured cycle of meetings, an opportunity to establish and agree a methodology to protect lands for strategic education reserve.

The Department acknowledges that the review of the current CDP is due to commence shortly with a view to developing the successor plan. By way of opportunity and early engagement the Department would like DCC to consider the following issues relating to education sector developments in the successor plan:

- (i) Inclusion of a Social Infrastructure Audit (SIA), including schools to allow for an evaluation of any latent capacity on existing lands or in existing facilities, thereby effectively identifying new school extensions or new school sites;
- (ii) Continued and strategic provision and protection of lands as strategic educational reserves for projected demographic demand out to 2040 in this and subsequent CDPs for the life of Project Ireland;
- (iii) Establish a hierarchy, or at least a selection priority, for locating schools adjacent to amenities, new and existing, where the amenities cannot be provided on smaller urban school sites. This should be a primary key adjacency consideration for school site selection.
- (iv) Climate Change: Mitigation and Adaptation- where DCC, as part of any subsequent climate change strategy, wish to support particular standards that are not referenced in the National Building Regulations, then the Department requests that the planning authority recognise that the DES energy policy is sufficiently developed to effectively respond to the unique requirements of schools, or is developed in line with central Government policies and the National Building Regulations, that the enforcement of their plan wide policies could create an undue burden on school development.

The DES has established its own development standards and sector specific energy strategies. Therefore the LAP should be revised to state that where sector specific standards are established and meeting climate change mitigation and adaptation targets then they can be substituted on developments for that sector e.g. schools.

In regard to the twenty proposed variations totaling 55 hectares, the Department would have to undertake an assessment of current capacity in existing schools in each of the areas adjacent to the proposed rezoned lands in order to better identify if they can cope with any likely demand for additional school places or whether a new school is required.



**Samsung Quad Camera**  
Shot with my Galaxy A21s



We have examined the land area of the proposed rezoning and note that of the twenty proposed rezonings six of them are more significant in size. They are shown in table below

1	2	3	4	Possible projected places required*	
				5	6
Variation	Map Ref	Subject Lands	Area	Primary	Post-primary
No 9	B2	Santry Industrial Lands	10.86ha	490	330
No 10	B3	Shanown Rd Lands, Santry	4.24ha		
No 14	D1	Chapelizod bypass/Kylemore Road Dublin 29	3.57ha	120	80
No 16	D6	Goldenbridge Industrial Estate	4.3ha	140	90
No 22	E36	Herberton Road	3.8ha	120	80
No 25	F2	East Wall Road	10.94ha	350	230

\* Columns 5 and 6 indicate projection of primary and post-primary places required based on assuming that the lands are all developed at 100 units per hectare and assuming an occupancy of 2.7 people per unit. (12% of the occupants will require a primary school place and 8% of the occupants a post-primary school place).

Variations 9 and 10 together could potentially generate a significant educational requirement in Santry. An assessment would need to be taken on the capacity of existing schools.

Variation 25 could significantly increase the population of East Wall (which has only one primary school) and generate a significant requirement at both primary and post-primary level, particularly in view of the increase of population projected in the adjoining Docklands SIZ.

Please revert if there are any queries. We look forward to further engagement with you.

Yours sincerely

*Mark Carey*  
Mark Carey

Chief Executive Officer  
Education Section



Samsung Quad Camera  
Shot with my Galaxy A21s



## 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 congested points in Santry.

It is worth making the point that the R132 through Santry is no longer a main route to the city having been bypassed long ago 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. I suggest that it is surely 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, housing for individuals and family members of all ages with needs due to wheelchair use or other different conditions, road infrastructure, school infrastructure, HSE primary care centre, library, cultural community needs such as exist in Ballymun.

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 Living, Santry Place, Swiss Cottage and proposed Santry Avenue developments and the current development if granted, will compound the situation with all the adverse consequences.

Indeed, the existing road is so inadequate 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.

It is perhaps ironic that the congestion on the Swords Road from traffic travelling to the city centre along the stretch from the Santry Demesne to the Shantalla Flyover was considerably worsened by the need to put a right turning

lane into the Omni Shopping Centre. This right turning stream of traffic reduces the road capacity drastically and the pollution levels from the regular high congestion must be elevated and should be part of an environmental assessment.

It is surely even more ironic, that long term residents of Santry, feel forced to put their houses up for sale. They cannot endure the diminution in their quality of life due to the loss of much of their front gardens resulting in heavy traffic being unacceptably close to their homes. How can it be appropriate planning to permit further development at such high density in the precise locus that has caused much of the existing traffic congestion? The proposed development will add to the traffic using this 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.

## **PUBLIC TRANSPORT**

It is true that several bus routes pass through Santry. No bus route originates in Santry however. The routes through Santry serve Skerries, Swords, the Airport and other areas well beyond Santry. The problem is that buses arrive in Santry and are full frequently, especially at peak times. Buses serving the Airport tend to have larger luggage storage areas on them so less capacity for passengers further along the route such as at Santry. Many people board busses on the Swords Road at the main entrance to Northwood so this can mean full buses in the village and towards the Omni Shopping Centre and onwards.

The bus route 16 does not go directly to the city centre. From the Shantalla Flyover it takes a circuitous route through Shantalla/Beaumont/Whitehall to re-emerge on the Swords Road via Collins Avenue. This adds considerably to the journey time and passenger numbers so even if you walked to the next bus stop that the 16 reaches on the Swords Road the bus may be full there too.

To say there are good links to other transport links is inaccurate and untrue. The distance to the nearest railway link in Drumcondra is 4.5k approx. This is from

the area at the Omni Shopping Centre. The Maynooth line serves Drumcondra so it is limited enough and is certainly not a hub for all services. Neither the LUAS or the DART service Drumcondra Station.

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.

## **MATERIAL CONTRAVENTION – ZONING Z4**

The proposed development is in respect of lands zoned Z4 District Centre according to the current Dublin City Development Plan (DCC DP).

- 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 and the components of the development. The justification case by the Applicant for such a Material Contravention is not valid. The height and density contraventions do not meet the public transport criteria as outlined in this submission.
- 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 Z4 District Centre.**
- 3 However, it is clear from the any ordinary reading of the text of the City Development Plan that the Z4 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 Z4 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 457 two story houses, with several small retail units it would still be in breach of the specified Z4 zoning. This development is for 457 apartments and the only non-residential elements are minimal retail and creche units. The development is overwhelmingly residential.

- 4 This application in a Z4 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.
- 5 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. It states that higher densities may be permitted but does not quantify such densities. As SHDs did not exist when the zoning was designated it could not be taken as read that such a zoning would encompass such future entities such as SHDs. I submit that therefor it is not appropriate or lawful to permit SHDs in Z4 zoned land as there was no subsequent alteration of the terms of the relevant zonings within the DCC DP 2016-2022.
- 6 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 zonings of sites 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 five times in succession, for five separate developments in a 450-metre stretch of the Swords Road at Santry Village, would be 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. Of the 5 SHD applications, 3 have been approved and 2 are pending including this application. One application was rejected on a technicality but has been resubmitted and a decision is pending. To have 3 already approved is systemic disregard for the Statutory zoning. None of the applications were in respect of Z1 lands and I am not aware of any applications by the owners to have the council change the zonings to Z1 residential.

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.

EXTRACTS FROM DCC DP 2016-2022

**Table 14.1 Primary Land-Use Zoning Categories**

**Land-Use**

**Zoning Objective    Abbreviated Land Use Description**

**Z1 Sustainable Residential Neighbourhoods**

Z2 Residential Neighbourhoods (Conservation Areas)

Z3 Neighbourhood Centres Z4 District Centres (incorporating Key District Centres)

**Z4 District Centres (incorporating Key District Centres)**

**14.8.1 Sustainable Residential Neighbourhoods – Zone Z1 Land-Use Zoning Objective Z1:**

To protect, provide and improve residential amenities. The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

Zoning Objective Z1 Permissible Uses Buildings for the health, safety and welfare of the public, childcare facility, community facility, cultural/ recreational building and uses, education, embassy residential, enterprise centre, halting site, homebased economic activity, medical and related consultants, open space, park-and-ride facility, place of public worship, public service installation, residential, shop (local), training centre.

Open for Consideration Uses Bed and breakfast, betting office, car park, civic and amenity/recycling centre, garden centre, golf course and clubhouse, hostel, hotel, industry (light), live/ work units, media-associated uses, petrol station, pigeon lofts, public house, restaurant, veterinary surgery

**14.8.4 District Centres – Zone Z4 Land-Use Zoning Objective Z4: To provide for and improve mixed-services facilities. District centres, which include urban villages, provide a far higher level of services than neighbourhood centres. They have outlets of greater size selling goods or providing services of a higher order, and their catchment area extends spatially to a far greater area than that of neighbourhood centres** (see Chapter 7 and Appendix 3 for details of policies, standards and the retail strategy). As the top tier of the urban centres outside the city centre, key district centres have been identified which will provide **a comprehensive range of commercial and community services. These centres often attract large volumes of traffic and should, therefore, be well served by public transport.** To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and **a diversity of uses should be promoted to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use the levels above ground level for additional commercial/retail/ services or residential use with appropriate social facilities. Higher densities will be permitted in district centres, particularly where they are well served by public transport. The district centre can provide a focal point for the delivery of integrated services and the designated key district centres have, or will have in the future, the capacity to deliver on a range of requirements, the most important of which are:**

- **An increased density of development**
- **A viable retail and commercial core A comprehensive range of high-quality community and social services**
- **A distinctive spatial identity with a highquality physical environment**

A symbol and reference number identifies the designated key district centres on the Dublin City Development Plan 2016–2022 maps, see Map K. General principles with regard to the overall development in these identified key district centres are set out below. Proposals for development within these areas should be in accordance with these principles in addition to complying with the land-use zoning

#### Zoning Objective Z4 Permissible Uses

Amusement/leisure complex, bed and breakfast, betting office, **buildings for the health, safety and welfare of the public;** car park, car trading, childcare facility, **civic offices, community facility, cultural/ recreational building and uses,** delicatessen<sup>1</sup>, **education,**

embassy office, **enterprise centre**, garden centre, guest house, halting site, **home-based economic activity**, **hostel**, **hotel**, **industry (light)**, **live work units**, **media-associated uses**, **medical and related consultants**, motor sales showroom, office (max. 600 sq m.), off-licence, **open space**, park and ride facility, part off-licence, petrol station, place of public worship, public house, **residential**, restaurant, **science and technology-based industry**, shop (district), shop (neighbourhood), take-away, **training centre**.

#### Open for Consideration Uses

Advertisement and advertising structures, civic and amenity/recycling centre, conference centre, embassy residential, factory shop, financial institution, funeral home, garage (motor repair/ service), household fuel depot, internet café, nightclub, office (max. 1200 sq m) outdoor poster advertising, shop (major comparison), warehousing (retail/non-food)/retail park.

### MATERIAL CONTRAVENTION -HEIGHT

The proposed development is in contravention of the maximum height stipulated in the current Dublin City Development Plan (DCC DP).

### MATERIAL CONTRAVENTION - DENSITY

The proposed development is in contravention of the density limits stated in the current Dublin City Development Plan (DCC DP).

Arising from the public transport situation as above, the applicant cannot rely on the contention that the proposed development fulfils the criteria laid down regarding density or height 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 not Santry. Estimated walking times to any putative Metro Station in Ballymun is not achievable unless you are young, fit and unencumbered by children in buggies and/or on foot or you if you are otherwise unable to obtain the briskest pace eg not carrying shopping from Tesco etc.

Cycling is not an option for many people for many, not least the older person, disabled, or wheelchair users.

Regarding existing bus services, it is true as outlined above that 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 busses are of **limited capacity. They are not high capacity transport such as the DART and the LUAS..** 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.

## **ACCESS TO FINAL DEVELOPMENT – PARKING SPACES**

Access to the development site is unsuitable as it is already over extended. It is not acceptable to use existing access routes for a shopping centre to a residential development. Access via the housing estate at the rear of the development is totally unacceptable if proposed. Access via Santry Hall Industrial Estate road is unacceptable and would create more congestion for the Swords Road.

Loss of parking spaces near the cinema complex is unacceptable for patrons as alternative provision is unacceptable from a personal safety perspective at night.

## **RETAIL ASSESSMENT**

### **Retail assessment**

- Already 6 coffee / burger/ sandwich bars in main Omni centre plus cafe at M&S and McDonald's, Namdos, Camille and Eddie Rockets on external parts of centre.
- Santry Place Shd all units at street level vacant
- Swiss Cottage Shd only one unit of 3 or 4 is let. Insomnia coffee shop.
- More street level units planned for Chadwicks Shd up the road.
- Street level units in Omni Living Shd permission granted.
- Difficulty in hiring staff has caused early closure of many of these cafes.
- H&M now closed.
- Elverys still vacant?
- Unit just left of entrance Still vacant?
- Large unit that was a department store Menarys now gym ? Kentucky Fried Chicken unit still vacant with dead plants in the window!

- Unit at Swords Rd entrance vacant still?
- Omni Living permissions sought and granted using argument that the public car park built for Omni SC could be used by residents and visitors to Omni Living SHD and Aparthotel! Now proposing to take 100 plus spaces for the plaza element of current application. Using the same spaces over 3 developments?! And removing some as well!

14.7 Transitional Zone Areas The land-use zoning objectives and control standards show the boundaries between zones. While the zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. **For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.**

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The current proposal does not fulfil the stipulated requirement. It is out of scale with adjacent housing and is overbearing in scale and density.

## CONCLUDING OBSERVATIONS

In reaching its decision I earnestly hope that the Board will act in accordance with the principles defined by Holland D in terms of the judgment in the Ballboden case. This needs to be demonstrated and fully addressed in relation all the material and reports before it from the Applicant.

In common with many ordinary citizens who are affected by such matters in their communities and who are reasonably engaged in such matters, I fear that the public perception of planning decisions is that the odds are heavily stacked in favour of those with the deepest pockets to provide a tick box slew of “Expert” reports in support of planning applications.

The State, in the form of ABP and local authorities is entrusted with the duty to ensure that any such evidence and reports are properly tested and assessed by

the Board and as such they should have the requisite expert knowledge and qualifications to make such assessments or should have available to them such independent expert professional expertise to test and properly assess what is placed before the Board by an Applicant. As is usually the case, I and many others have a real apprehension that this is not in fact the case. If one looks at the current system of appointment of Board Members it appears that it is entirely possible that the citizens are not necessarily entitled to be fully confident that there is equality inbuilt in the decision making processes. Under the relevant legislation, Board members may be appointed from various stipulated groupings some of which would appear to have no particular expertise in the matters likely to come before it, in particular in such major applications such as SHD applications. It is not evident from the documents publicly available in such cases how the expert or technical evidence put forward by applicants is tested or assessed and by whom. This is concerning.

I hope that the Board will give full consideration to my observations.

Yours sincerely,

Anne O'Neill