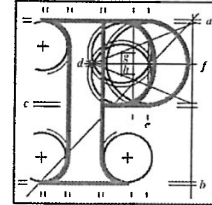


Our Case Number: ABP-315183-22

Planning Authority Reference Number: LRD6002/22S3



**An
Bord
Pleanála**

Brendan Rankin
26 Ribh Road
Harmonstown
Dublin 5

Date: 23 December 2022

Re: Construction of 580 no. apartments and associated site works.
Lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin 5

Dear Sir / Madam,

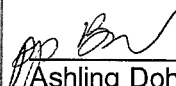
An Bord Pleanála has received your submission including your fee of €50.00 in relation to the above-mentioned large-scale residential development and will consider it under the Planning and Development Act 2000, as amended.

Your observations in relation to this appeal will be taken into consideration when the appeal is being determined.

Section 130(4) of the Planning and Development Act 2000, as amended, provides that a person who makes submissions or observations to the Board shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in writing in relation to the appeal and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.

If you have any queries in relation to the appeal, please contact the undersigned. Please mark in block capitals "Large-Scale Residential Development" and quote the above-mentioned reference number in any correspondence with An Bord Pleanála.

Yours faithfully,



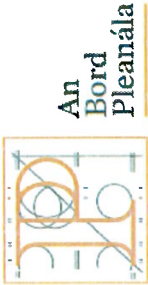
Ashling Doherty
Executive Officer
Direct Line: 01-8737160

LRD40 Acknowledge valid observer submission

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Lodgement Cover Sheet - LDG-060154-22



Details

Lodgement Date	21/12/2022
Customer	Brendan Rankin
Lodgement Channel	Web Portal
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-060154-22
Map ID	
Created By	Niamh Hickey
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	LRD6002/22S3

Categorisation

Lodgement Type	Observation / Submission
Section	Strategic Housing

PA Name	Dublin City Council North
Case Type (3rd Level Category)	Appeal - LRD

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	

Observation/Objection Allowed?	Yes
Payment	PMT-047038-22
Related Payment Details Record	PD-046928-22

Observation

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	The development will consist of: 1. The construction of a residential development set out in 7 no. blocks, ranging in height from 4 to 7 storeys to accommodate 580 no. apartments,
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Run at: 21/12/2022 15:58

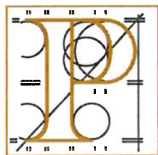
Run by: Niamh Hickey

residential tenant amenity spaces, a crèche and a 100 bed nursing home. The site will accommodate 520 no. car parking spaces, 1574 no. bicycle parking spaces, storage, services and plant areas. Landscaping will include extensive communal amenity areas, and a significant public open space provision. 2. The 7 no. residential buildings range in height from 4 storeys to 7 storeys accommodating 580 no. apartments comprising 272 no. 1 bed units, 15 no. 2 bed units (3-person), 233 no. 2 bed units (4-person), 60 no. 3 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 5 storey building, accommodating 61 no. units; Block B is a 5 storey building, accommodating 70 no. units; Block C is a 5-7 storey building, accommodating 112 no. units; Block D is a 4-5 storey building, accommodating 136 no. units; Block E is a 4-7 storey building, accommodating 96 no. units; Block F is a 5 storey building, accommodating 36 no. units; Block G is a 5 storey building, accommodating 69 no. units; Residential tenant amenity space is provided at ground level of Block C, D, E, F & G (c.961 sq.m). External residential open space between and adjacent all blocks. A crèche is provided in Block G with a total floor area of c.750 sq.m and external play spaces totalling c.583 sq.m. 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 4 storey building arranged around a courtyard garden which also forms part of the wider Block G. 4. Blocks C & D and F & G are located above a

PA Case Number	Development Description
LRD6002/22S3	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- 8 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 c.2.09 ha which includes a new c.1.78ha public open space which is provided to the south and east of the site and includes for 6 no. playing pitches of mixed sizes to be taken in charge by Dublin City Council (of a total area of c.1.8ha 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 pre-fab 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.

PA Decision Date	28/10/2022
County	
Development Type	
Development Address	Lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin 5
Appellant	
Supporting Argument	

	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. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of Dublin City Council during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application. The application may also be inspected online at the following website set up by the applicant www.foxlandsIrd2022.ie.
Applicant	
Additional Supporting Items	



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001646

Online Observation Details

Contact Name
Brendan Rankin

Lodgement Date
21/12/2022 13:31:57

Case Number / Description
315183

Payment Details

Payment Method
Online Payment

Cardholder Name
BRENDAN RANKIN

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☐

Yes — P.T.O.

☐

N/A — Invalid

Signed

EO

Date

File With

SECTION 131 FORM

Appeal No

ABP—

Defer Re O/H

☐

Having considered the contents of the submission dated/received
 from I recommend that section 131 of the Planning
 and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

Section 131 not to be invoked at this stage.

☐

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

EO

Date

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

26 Ribh Road
Harmonstown
Dublin 5

20/12/2022

An Bord Pleanála
64 Marlborough Street
Dublin 1

Re: Observation on ABP Case Reference: LH29N.315183
Re: LRD Appeal by 'Raheny 3 Limited Partnership' against Dublin City Council Decision to Refuse
Permission for Planning Reference LRD6002/22-S3

To whom it may concern,

I am writing in relation to the above planning appeal submitted by Raheny 3 Limited Partnership regarding Dublin City Council's refusal of a large scale residential development and nursing home on park lands to the rear of St. Paul's College, Sybil Hill Road, and surrounded by St. Anne's Park, Raheny, Dublin 5. I am lodging this observation with the requisite fee of €50.

I consider the following points are grounds to uphold Dublin City Council's decision to refuse planning permission for this scheme.

1. The planning application is in contravention of the Judgement of Humphreys J. delivered on Friday the 7th day of May, 2021 ([2021] IEHC 303) which found that the zoning of the St Pauls playing fields is tied to its established use as a sports ground. The change of ownership from the Vincentian Order to the applicant does not change the zoned and established use – that of a sports ground not of a large scale residential development.

2. The Z15 zoning previously applied to the lands (prior to 14/12/2022) was intended "to protect and provide for institutional and community uses" i.e. the amenity and biodiversity use of St Pauls playing fields, but the strength of the zoning was undermined in an unforeseen way by a case taken by the Sisters of Charity against Dublin City Council [Christian v. Dublin City Council (No. 1) [2012] IEHC 163, [2012] 2 I.R. 506.] which forced an amendment to the Z15 zoning on religious and institutional lands to allow for "consideration of residential development". Subsequently, applications to build on Z15 lands in general and the St. Paul's lands in particular, have sought to utilise this 'open for consideration' clause to achieve Z1 type uses on lands that the City clearly intended to maintain for community and institutional uses. The undermining of the intent of the zoning should not be permitted to continue.

It is notable that Dublin City Council, under the new City Development Plan (2022-2028), acknowledge that Z15 lands have come under increased pressure for residential development. They state that "protecting and facilitating the ongoing use of these lands for community and social infrastructure is a key objective of the Council. The Council are committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands".

Hence the Council seek to protect both the letter and the spirit of the law in relation to Z15 zoning.

I quote here from the CE's report no. 261/2-22 dated 21/0/2022, page 117:

"the Council have sought to strengthen the recognition and role of the city's Z15 land-bank under the Draft Plan by protecting, improving and encouraging the ongoing use and development of lands zoned Z15 in the Draft Plan for community and social infrastructure. The Council specifically recognises that institutional lands are an important community resource and should be preserved and protected as a strategic asset for the city."

3. The proposed development does not retain or protect the existing sporting and amenity use of the lands and therefore the development is not in compliance with either the previous Z15 zoning under the 2016-2022 City Development Plan, nor the current Z9 zoning under the 2022-2028 City Development Plan.

4. Under the current City Development Plan (2022-2028) the land is zoned Objective Z9 Amenity/Open Space Lands/Green Network "To preserve, provide and improve recreational amenity, open space and ecosystem services", and therefore a large residential development is not permissible.

In their letter of 29/11/2022, the applicant emphasises:

"...the development will retain in excess of 25% of the site for sports/amenity and will provide a natural extension to St. Anne's Park. The proposed new public open space to the south and east will be taken in charge by DC ensuring that the lands will have full public access. On balance it is considered that the retention of lands for sports/amenity use alongside proposed community uses and retention of existing institutional uses within the wider Z15 lands demonstrates compliance with the Z15 zoning objective."

There is also nothing to suggest that any public areas in this proposed development will secure in the long-term the retention of use or improvement for the community that was regularly using this space prior to 2018 - the public area is essentially "gated", an area that may be overlooked by private security and surveillance and where activities within its boundaries may be prescribed by the owners and not subject to the same bye-laws as the rest of the Park. It may also be at odds with DCC's policy of avoiding gated residential developments (Dublin City draft Development Plan 2022-2028 5.5.4, QHSN20). The applicant proposes that these playing fields be "taken in charge by DCC" but on what terms, at what expense to the public purse and for what duration? Given the history of bad faith outlined above regarding acquisition of this site, who is to say that similar efforts may not be made in the future to limit general access to this amenity too, or to how it is utilised by non-residents of the development?

5. Dublin City Council refused permission for LRD6002/22-S3 on the basis of the Precautionary Principle as the "proposed development would therefore materially contravene policy GI23 three of the Dublin City Development Plan 2016 to 2022 for the protection of European sites".

6. Despite the recent efforts of the landowners to alienate the lands, they are an established part of St Anne's Park through public use and as evidenced on maps such as the 1971 Dublin Development Plan, the Dublin Street Atlas and Guide (4th ed) 2003, the OSI Dublin Street Map 2008 and the Dublin Bay Biosphere Map.

According to the Planner's Report Recommendation:

The submitted Natura Impact Statement has not demonstrated that the evidence provided supports the assertion that no impact arises to the Dublin Bay populations of protected Brent geese. Any assessment of the impacts of the proposed development on the site integrity of the Natura 2000 sites in Dublin Bay under the EU Birds and Habitats Directives cannot be made in the absence of data and the precautionary principle applies. It is considered that the proposed development would, therefore, materially contravene Policy GI23 of the Dublin City Development Plan 2016-2022 for the protection of European sites, and hence would be contrary to the proper planning and sustainable development of the area.

The Global Biodiversity Framework has been adopted at COP15. We have a responsibility to protect our biosphere and the forthcoming National Biodiversity Action Plan is set to align with this Framework.

In this context, and in respect of the DCC's decision to zone this site Z9 Amenity/Open Space Lands/Green Network I ask that the decision of the DCC to reject the application be upheld.

Yours sincerely

Brendan Rankin.