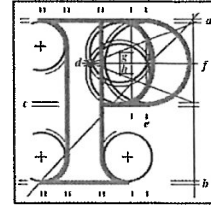


Our Case Number: ABP-315183-22

Planning Authority Reference Number: LRD6002/22S3



**An
Bord
Pleanála**

Colin and Janet Day
140 Castle Avenue
Clontarf
Dublin 3

Date: 21 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,

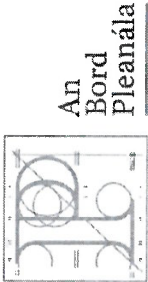
David Behan
Executive Officer
Direct Line: 01-8737146

LRD40 Acknowledge valid observer submission

Teil	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-0600000-22



An
Bord
Pleanála

Details

Lodgement Date	15/12/2022
Customer	Colin and Janet Day
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-060000-22
Map ID	
Created By	Klaudia Wieszowska
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal Observation
Section	Processing Planning

LRD

Fee and Payments

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

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

Observation/Objection Allowed?	
Payment	PMT-046898-22
Related Payment Details Record	PD-046788-22

315/83

Appeal

LRD 40 to Issue

LRD 6002/2253

Run at: 15/12/2022 10:29

Run by: Klaudia Wieszowska

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	
--------------	--

Run at: 15/12/2022 10:29

Run by: Klaudia Wiezowska

The Secretary
An Bord Pleanála
65 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG- <u>06000-22</u>	
ABP- _____	
15 DEC 2022	
Fee: € <u>50</u>	Type: <u>cheque</u>
Time: _____	By: <u>post</u>

12th December 2022

APPLICATION NO. LRD6002/22-S3 (Dublin City Council)

Case reference: LH29N.315183 (An Bord Pleanála)

Location: Lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin 5

Applicant: Raheny 3 Limited Partnership

Dear Sir,

We wish to submit an observation to this planning appeal for the above Planning Application. We enclose a cheque for the required fee of €50. We also attach a copy of the cover page of a letter from Dublin City Council as we originally submitted an observation to DCC on this application.

This planning application has been refused by Dublin City Council following recommendation by the Deputy Planning Officer.

The reason for refusal within the planners report (recommendation section) and subsequently in the Managers Order states that:

"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.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."

Ref: PLANNING & DEVELOPMENT DEPARTMENT Date: 28-Oct-2022 DEPUTY PLANNING OFFICER
APPLICATION NO. LRD6002/22-S3

The letter submitted by Brady Shipman Martin states that this is the single reason for refusal by Dublin City Council and the accompanying submitted report from Enviroguide Consulting deals only with the issue of the Brent Geese.

However, the Planners report also refers to the Parks, Biodiversity and Landscape Services report (20th October 2022) in the section entitled Conclusion, just before the Recommendation:

....there are significant outstanding biodiversity issues as outlined within the Parks, Biodiversity and Landscape Services report (20th October 2022) and the Department of Housing, Local Government and Heritage report (17th October 2022).

The referenced Parks, Biodiversity & Landscape Services Report dated October 20th 2022 states the following among its conclusions:

4. Conclusions

In conclusion, Parks, Biodiversity & Landscape Services have significant concerns arising from the proposed development application

- *The development layout proposed will result in the loss of a breeding badger sett, which is a protected species under the Wildlife Acts (1976-2021). The principle of avoidance of this loss by the appropriate setback of development has not been undertaken by the applicant, which is not satisfactory. The mitigation proposals are also not satisfactory. The lighting of the proposed development will have an impact on bat species that are protected under the EU Habitats Directive (92/43/EEC) and the Wildlife Acts (1976-2021). The development lighting plan does not reflect the appropriate mitigation guidelines outlined in the EIAR, and the mitigation proposals are also not satisfactory.*

The Planners report (conclusion section) also references the Department of Housing, Local Government and Heritage report (17th October 2022) which noted:

.....Four other SCI species for the nearby SPAs have been recorded feeding on the grounds and former grounds of St. Paul's College during the bird surveys carried out by Scott Cawley and Enviroguide, namely Oystercatcher, Curlew, Black-tailed Godwit and Black-headed gull.....

....During bat activity surveys, five bat species were identified, Common, Soprano and Nathusius's Pipistrelles, Leisler's Bat and the light sensitive Long-eared Bat....

....A Badger Sett was identified...

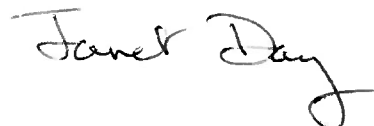
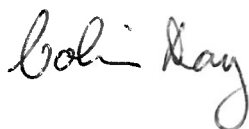
It is very evident therefore, that the site for this proposed development is of extreme importance to not only the protected Brent Geese but also to other Special Conservation Interest birds as well as protected Bats and Badgers. Policy GI23 of Dublin City Council is:

To protect flora, fauna and habitats, which have been identified by Articles 10 and 12 of Habitats Directive, Birds Directive, Wildlife Acts 1976-2012, the Flora (Protection) Order 2015 S.I No. 356 of 2015, European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

The Council's decision on October 28th to refuse permission outright was based on their own view that the development would MATERIALLY CONTRAVENE a section of the Dublin City Development Plan for the protection of European sites (related to protected bird species) and would therefore be CONTRARY TO PROPER PLANNING AND SUSTAINABLE DEVELOPMENT of the area.

There are also many other and varied reasons to refuse this appeal, all of which are well documented in the abundant observations to the numerous planning applications for this site to both Dublin City Council and to An Bord Pleanála directly through the SHD process, as well as through numerous legal proceedings. Each application has been eventually refused and we urge you to also refuse this latest appeal.

Yours etc.



Colin & Janet Day

140 Castle Avenue, Clontarf, Dublin 3



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.

T. (01) 222 2149

E. appeals@dublincity.ie

25-Nov-2022

Mr & Mrs Colin & Janet Day
140, Castle Avenue
Clontarf
Dublin 3
D03 HF79

PLEASE IGNORE THIS CORRESPONDENCE IF YOU HAVE LODGED AN APPEAL WITH
AN BORD PLEANÁLA IN RESPECT OF THIS PROPOSED DEVELOPMENT

Application No. LRD6002/22-S3

Description

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, 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 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

CON4letter