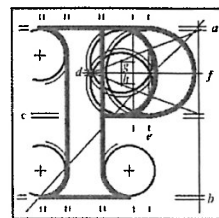


**Our Case Number:** ABP-315183-22

**Planning Authority Reference Number:** LRD6002/22S3



**An  
Bord  
Pleanála**

Donna Cooney  
Dublin Bay North Green Party  
4 Victoria Road  
Clontarf  
Dublin 3  
D03 P2V5

**Date:** 22 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,

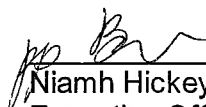
An Bord Pleanála has received your submission including your fee of €50.00 in relation to the above-mentioned large-scale residential development and will consider it under the Planning and Development Act 2000, as amended.

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,

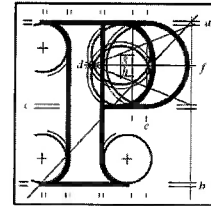
  
Niamh Hickey  
Executive Officer  
Direct Line: 01-8737145

LRD40 Acknowledge valid observer submission

|                           |                |                                                        |
|---------------------------|----------------|--------------------------------------------------------|
| <b>Tell</b>               | <b>Tel</b>     | (01) 858 8100                                          |
| <b>Glaao Áitiúil</b>      | <b>LoCall</b>  | 1800 275 175                                           |
| <b>Facs</b>               | <b>Fax</b>     | (01) 872 2684                                          |
| <b>Láithreán Gréasáin</b> | <b>Website</b> | <a href="http://www.pleanala.ie">www.pleanala.ie</a>   |
| <b>Ríomhphost</b>         | <b>Email</b>   | <a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a> |

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

# Bulk Lodgement Coversheet



An  
Bord  
Pleanála

|                            |                                                                              |                       |    |
|----------------------------|------------------------------------------------------------------------------|-----------------------|----|
| <b>ABP Case Number</b>     | ABP-315183-22                                                                | <b>Case Type Code</b> | LH |
| <b>Summary Description</b> | Construction of 580 no. apartments and associated site works.                |                       |    |
| <b>Site Address</b>        | Lands to the east of Saint Paul's College, Sybil Hill Road, Raheny, Dublin 5 |                       |    |
| <b>Case Officer</b>        | Ashling Doherty                                                              |                       |    |
| <b>Section</b>             | Strategic Housing                                                            |                       |    |
| <b>Bulk Lodgement ID</b>   | BL-002158-22                                                                 |                       |    |
| <b>Lodgement Date</b>      | 20/12/2022                                                                   |                       |    |
| <b>Created By</b>          | Niamh Hickey                                                                 |                       |    |

| Seq ID | Lodgement ID  | Customer Name          | Agent Name | Payment | Method           |
|--------|---------------|------------------------|------------|---------|------------------|
| ✓      | LDG-060146-22 | Donna Cooney           |            | €50.00  | Online Payment ✓ |
| ✓      | LDG-060147-22 | Darragh Persse         |            | €50.00  | Online Payment ✓ |
| ✓      | LDG-060148-22 | Joan and Larry Brayden |            | €50.00  | Online Payment ✓ |



An  
Bord  
Pleanála

## Planning Appeal Online Observation

### Online Reference

NPA-OBS-001642

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### Online Observation Details

Contact Name  
Donna Cooney

Lodgement Date  
20/12/2022 10:24:37

Case Number / Description  
315183

---

### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Donna Cooney

Payment Amount  
€50.00

---

### Processing Section

S.131 Consideration Required

☐

Yes — P.T.O.

☐

N/A — Invalid

Signed

EO

Date

Emailed finance 21/12  
NH

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

Councillor Donna Cooney

Dublin Bay North Green Party

4, Victoria Road Clontarf

Dublin 3.

D03 P2V5

19th December 2022

An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Reference: Observation on ABP Case Reference: LH29N.315183

Reference: LRD Appeal by 'Raheny 3 Limited Partnership' against Dublin City Council Decision to Refuse Permission for Planning Reference LRD6002/22-S3

A Chara,

I am writing in relation to the above planning appeal submitted by 'Raheny 3 Limited Partnership' (AKA Marlet Property Group) 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, at St. Anne's Park, Raheny, Dublin 5. To this end, 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.

2. 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.

3. 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".

4. The Z15 zoning previously applied to the lands (prior to 14/12/2022) was intended to protect 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. This cannot be permitted to continue.

It is notable that Dublin City Council, under the new City Development Plan, seeks 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."

5. 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, or the current Z9 zoning under the 2022-2028 City Development Plan.

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.

Please also take my observations to DCC planners into account.

Observations on LRD6002/22-S3

Dear Planner,

I would like you to take my observations into account when making a decision on this application.

## **Protection of birds and habitat**

### **Light-bellied Brent Goose**

Light-bellied Brent Goose number are in decline in Dublin bay, this site is in the buffer zone of a Natura 2000 site it has to be demonstrated with a high level of certainty that this development will have no negative effect and the environmental impact statement does not meet that requirement. The decline in number on these site/St Paul's playing fields is most likely caused by the neglect of this site which damaged the significant habitat for amber listed light-bellied Brent Goose. There are suggestions in the EIS ex-situ feeding grounds are exchangeable and easily

replaceable, like choosing one take out, then another, that if one site is damaged, there is the potential for another to replace it. This is not the meaning of the habitat directive, which is to protect birds and their habitat. This assumption could set a precedent for land owners to neglect and damage ex-site habitat sites and would be contrary to the Dublin City Council biodiversity plan.

### **Curlew**

Curlews are on the red endangered list and there are only 138 to no more than 150 estimated pairs on the Island of Ireland. With visits from 2015 to 2022 peak numbers show significant numbers nationally and internationally. The NIS states incorrectly, in my opinion that the numbers of Curlew 165 in 2018/19 to 38 in 2021/22 peak numbers sighted to not to be of significant numbers national or international as they state 1%. nationally to be 300 curlew.

### **Black tailed Godwit**

NIS states number due to neglect by the owner of this site have decline from 400 in 2016 to 0 in 2022.

### **Bats**

Bats are a protected species under Irish and EU law and nest in the trees which border the proposed site. The proposed development would create light pollution, noise pollution, ground vibration etc) bat nesting sites, contravening law in this jurisdiction, there is no mention or studies on the bats habitat. or the effects on bats in the NIS with this application. So there is not even a proposal to mitigate the effects as their presence has been neglected to be mentioned.

### **Potential contamination of Bull Island SPA and SAC..**

Run of from the site has the potential of damaging the Bull Island SPA, SAC, contaminating the Nanikin river and into the salt marches and Dublin bay. The mitigation measures suggested, do not address this adequately.

### **Zoning**

This proposed development site on Z15 lands contravenes the planning objects for institutional lands; as in the decision by Judge Humphrey that found that ownership of the land does not alter this fact.

In conclusion, although the lower heights are better than pervious applications and the inclusion of a higher percentage of two bedroom and some three bedroom and

the inclusion of older citizens residence; The site is not suitable for this development due to its significant habitat for legally protected wildlife, it's loss of amenity, the 6 playing areas are combined no bigger than one GAA pitch.

There is also a legal and moral obligation on a law owner to protect significant habitat with huge national and international biodiversity loss.

Yours sincerely

Councillor Donna Cooney

Dublin Bay North Green Party

4, Victoria Road

Clontarf.

Dublin 3.