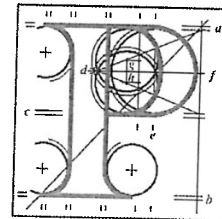


Our Case Number: ABP-315183-22

Planning Authority Reference Number: LRD6002/22S3



**An
Bord
Pleanála**

I Love Saint Anne's Community Group
34 Vernon Drive
Clontarf
Dublin 3

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,


David Behan
Executive Officer
Direct Line: 01-8737146

LRD40 Acknowledge valid observer submission

Teil
Glaao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

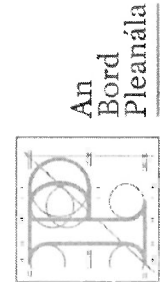
Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Lodgement Cover Sheet - LDG-060156-22



Details

Lodgement Date	21/12/2022
Customer	I Love Saint Anne's Community Group
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-060156-22
Map ID	
Created By	Klaudia Wieszowska
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Observation / Submission
Section	Strategic Housing

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

Fee and Payments

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

Observation/Objection Allowed?	
Payment	PMT-047040-22
Related Payment Details Record	PD-046930-22

Observation

315183 URB 6002/22S3
URB 40 to 1810.

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

34 Vernon Drive
Clontarf
Dublin 3

21st December 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>060156-22</u>
ABP-	
21 DEC 2022	
Fee: €	<u>50</u> Type: <u>card</u>
Time:	<u>15.21</u> By: <u>hand</u>

Re: ABP Ref 315183-22
Observation on 1st Party Appeal of DCC Planning Application
Planning Authority Reference Number – LRD6002/22/S3

Dear Sir or Madam,

I am writing this observation on behalf of I Love St. Anne's community group, in relation to the appeal submitted on behalf of *Raheny 3 Limited Partnership* for development on their lands, located to the rear of St. Paul's College and inside St. Anne's Park, Raheny, Dublin 5. I enclose the observation fee of €50. I am an objector to this development.

The I Love St. Anne's campaign was established in 2016 in response to the first planning application for the St. Paul's playing fields. The campaign has over 10,000 supporters. We oppose any building on the St. Paul's playing fields because of the nature of these lands and their sensitive location inside St. Anne's park.

In this latest appeal, *Brady Shipman Martin*, on behalf of the landowner at St. Paul's, make much of the fact that Dublin City Council refused permission for a 'single reason' – i.e. the fact that the proposed development would materially contravene Policy G123 of the Dublin City Development Plan 2016-2022 for the protection of European sites.

They then attempt to refute this fact, although they do not provide appropriate scientific evidence to support their claim (this would necessitate a long term survey of the birds in question) and indeed a quick perusal of their team would seem to indicate that they do not have the specific expertise required to address this complex environmental issue. Please ascertain and confirm the credentials of their team in this regard.

Ultimately and either way, they are in disagreement with established experts in *Birdwatch Ireland* and Dublin City Council Parks Department.

Under the Precautionary Principle, the burden of proof shifts to the proponents of an activity – it is not up to *Birdwatch Ireland*, DCC Parks Department or other scientific expert or expert groups to prove this case beyond doubt, it is up to the landowner and their expert agents.

By definition, under the Precautionary Principle, if it is possible that a given action might cause harm to the environment and if there is no scientific agreement on the issue, the action in question should not be carried out.

The whole *raison d'être* of the Precautionary Principle is to protect nature until we can be certain, beyond doubt, that no harm will ensue from our actions. The protection afforded by this principle is crucial in the current climate, as ecosystems all around us come under increased pressure from human interventions.

Despite the landowner's decision to make much of Dublin City Council's 'single reason', please be aware that there are many reasons why this application should not and indeed cannot be granted. Many of these are addressed in specialised responses which you will have received from other parties.

A review of the planning history for these lands provides a list of issues on which planning was previously refused, the most substantial of which have not and cannot be addressed by the landowner – due to the nature and location of their landholding.

Brent Geese

Key among these is the fact that the lands were, and presumably if restored, would continue to be the prime ex situ feeding site for the protected Brent geese who winter on Bull Island. We are not creating any more open spaces in our city like the St. Paul's fields so the geese will not find another equally suitable feeding site in Dublin city – ever.

Following one of the early planning refusals, the landowner appeared to take a decision to allow the lands fall into dereliction, failing to cut the grass, perhaps in the hope of eliminating ~~the~~ what they most likely perceived as the 'problem' of the Brent geese. In their most recent submission to DCC, *Birdwatch Ireland* call on the landowner to immediately restore the lands, "it has deeply concerned Birdwatch Ireland that since the last decision by An Bord Pleanála to refuse planning at this same site, that the developer has refused to cut the grass at the site. ... The site at St. Paul's should be restored for Brent geese and other conservation interests." (from *Birdwatch Ireland* submission to LRD6002/22/S3).

Established Uses

At this time, the landowner also evicted local sports clubs – presumably in the hope of extinguishing established sports uses on the fields. The goal posts were removed and pitch markings disappeared as the grass grew longer. However, Judge Humphrey's (2021) ruled that the established use of the lands as sports fields continued to apply and was unaffected by the change in ownership or the eviction of the sports clubs. This is the relevant quote from that High Court ruling:

"The first and most obvious problem is that change in ownership does not in itself alter the interest to be protected by the zoning ..."

Land Zoning

The other issue which the landowner has been unable to change since acquiring the playing fields, is the land zoning at St. Paul's. They were unsuccessful in their attempts to effectively change the zoning from Z15 to Z1 when they repeatedly failed to gain permission

for Z1 type large scale development on the lands from 2016 to 2022. Subsequently, they failed to have the land zoning changed in their favour under the 2022-2028 City Development Plan.

More importantly, the attempts to build a Z1 type development on Z15 zoned lands at St. Paul's led the City to rezone the lands under the 2022-2028 City Development Plan as Z9, in the hope that this would provide the actual protection for these lands that was envisaged under their original Z15 zoning. The motion to make this change was put forward by Clontarf Ward Councillors and received the unanimous support of **all elected Council members**.

Dublin City Councils' decision to apply a Z9 zoning at St. Paul's is an acknowledgement of the primary function of these lands as amenity, open space lands which - perhaps most importantly - are inextricably linked to the surrounding St. Anne's parklands. They now share a Z9 land zoning designation with St. Anne's park.

To understand how closely linked the St. Paul's fields are to the surrounding parklands, it may be useful to consider the description of their location provided in the DCC Planner's Report (28th October 2022) *"The site is located on the east side of Sybil Hill Road and consists of an access route between St. Paul's College and Sybil Hill House and a substantial part of the former school playing pitches located to the east of St. Paul's College and Sybil Hill House. ... The southern, eastern and northern boundaries of the site adjoin St. Anne's Park. The western boundary adjoins St. Paul's College school buildings, Sybil Hill House and the Meadows housing estate."* In summary – the Raheny 3 Partnership lands, are inside St. Anne's park, with no road frontage and a proposed access road which skirts the St. Paul's school buildings.

If planning were to be granted here now, on Z9 parklands, for a large scale development, regardless of which City Development Plan applies, it would be incomprehensible to the general public and would set a very dangerous precedent for Z9 lands in Dublin city. The landowner has argued in letters to City Councillors that the lands have now been 'downzoned'. In fact, we would argue that they have been up-zoned, both for nature and for the people of Dublin. The fact that their financial value falls if the current planning application is not actualised, should not be a relevant consideration in determining any planning application.

Many people feel that the history of the Z15 designation is a blemish on our city. It has undermined the democratic planning processes established by the City Development Plan. This affect was amplified by the SHD process.

If the City wanted or needed large scale residential development on institutional and community use lands, it would have zoned them as Z1 not Z15. It is undoubtedly time to put an end to this abuse and it is good to see that the Dublin City Council CE is calling for the protection of Z15 designations as part of the 2022-2028 City Development Plan :

*"... 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.” (from City Manager’s report no. 261/2022 on Material Alterations to the Draft CDP).

Commissioning of Environmental Reports in the Planning Process

Regardless of the expertise or otherwise of *Enviroguide* and other environmental consultancy firms, we are concerned generally about the process of having one party commission vital environmental reports that are used to decide planning issues across our country. These critical reports should be compiled by the relevant planning authority and the cost should be borne by the applicant. This is in no way to suggest any impropriety or lack of impartiality on the part of the environmental consultants employed by developers, but for the sake of transparency and confidence in the planning system, this important function needs to be removed from any party with a vested interest. In the same way it would be inappropriate for a residents association to be responsible for commissioning an EIA for example, (and indeed, if they did, no doubt its impartiality would be called into question by the opposing party) so it is inappropriate for a developer to commission such reports.

Attached to this submission is a list of 134 names and addresses of people who are opposed to this development. Given the relentless nature of Marlet’s planning applications, people have become disillusioned with the planning process and somewhat worn out paying €20 or €50 to avail of their democratic right to partake in the planning process. Therefore, we offered to include them in our submission.

As we write this on the day of the deadline, names continue to flow in for inclusion and unfortunately if we are to make the deadline, we will not be able to include those names in this submission.

It is a credit to the supporters of the I Love St. Anne’s campaign and to the people of Dublin and a reflection of the depth of feeling on this issue that they have persisted in their unwavering opposition to this speculative proposal.

We also attach a copy of our submission to Dublin City Council on LRD6002/22/S3.

Your faithfully



Georgina Moore

On behalf of

I love St. Anne’s community action group

Names of people who asked to be added to the I Love St. Anne's submission.

Amy Slater
22 Laragh Close,
The Donahies,

Antoinette Keaveney
41 Brookwood Ave.,
Artane, Dublin 5

Aoife Herbert,
13, Maywood, Crescent,
Raheny, Dublin 5.

Bernice Alexander,
54 Mount Prospect Grove,
Clontarf, Dublin 3.

Carol Slater
22 Laragh Close,
The Donahies, D13 KD73.

Caroline Curtis
16 Mask Road,
Artane, D05 V9W3

Catherine Bennett
60 All Saints Road
Raheny, Dublin 5

Ciara Ryan
124 Abbeyfield,
Dublin 5,

Danny Skehan
26 Charlemont Rd,
Dublin 3

Darren Lennox
17 Brian Rd
Marino D03 E728

Daryl Moorhouse
42 Gracefield Road,
Artane,
Dublin 5

Dave Bruen
20 Maryville Road
St. Anne's
Raheny

David O'Neill
22 Laragh Close,
The Donahies, D13 KD73.

Declan Smyth
28 Vernon Grove
Clontarf, Dublin 3

Deirdre O'Connor
2a Ennafort Park
Raheny

Denice Harvey
32 Ardilaun Court
Dublin 5

Derek Curtis O'Beirne,
16 Mask Road,
Artane, D05 V9W3

Donny Keane
41 Edenmore Drive,
Raheny, Dublin 5

Edan Keenan
47 Gracefield Ave.,
Dublin 5

Fiona Foley
10 Vernon Mews
Clontarf, Dublin 3

Frances Stringer
7 Sybil Hill Avenue
St. Anne's Estate
Raheny, Dublin 5.

Freda Quinn

Gavin Synnott ,
113 Kincora Ave
Clontarf, Dublin 3.

Geraldine Clements
20 Inverness Rd,
Dublin 3, D03 R1W6

Gerard Byrne.
13 The Meadows,
Howth Road,
Raheny, Dublin 5,

Gerard O'Rourke

Geraldine Alexander
20 Alden Road,
Sutton, Dublin 13.

Hannah Potter,
62 Offington Park,
Sutton D13 W6E4

Hazel Potter,
62 Offington Park, Sutton,
Dublin D13 W6E4

James Potter,
62 Offington Park,
Sutton D13 W6E4

Jessica Potter,
62 Offington Park,
Sutton, D13 W6E4

Jacqueline Byrne
13 The Meadows,
Howth Road,
Raheny, Dublin 5

Jan Cassidy
41 Ardilaun Court
Rahen, Dublin 5

Jana Kleinerova
Apt 45 Ardilaun Court
Sybil Hill Road
Dublin 5

Jane O'Connor
20 Maryville Road
St. Anne's
Raheny

Jean McKeating
18 Seapark Road, Clontarf

Jean Owens
7 Vernon Drive
Clontarf, Dublin 3

Jennifer Roche
21 Ribh Avenue
Artane, Dublin 5.

John Alexander
20 Alden Road,
Sutton, Dublin 13.

John Creaby
7 Sybil Hill Avenue
St. Anne's Estate
Raheny, Dublin 5.

John Connell
15 Watermill Road
Raheny, Dublin 5

Julia Ruiz
44 Ardilaun Court,
Raheny, Dublin 5

Laura Gallagher
728B Howth Road, Dublin 5,
D05 X2P0

Lee Slater
22 Laragh Close,
The Donahies, D13 KD73.

Leslie McLindon
29 Ardilaun Court
Sybil Hill Road
Dublin

Lesley McLindon
Apartment 47 Ardilaun Court
Sybil Hill Road
Raheny, Dublin 5

Lidija Vlajinavljevic Jadini,
113 Kincora Ave
Clontarf, Dublin 3.

Linda O'Donoghue
63 Ardilaun Court
Sybil Hill Road
Raheny, Dublin 5

Lisa kenny
8 Brookwood Glen,
Killester, Dublin 5

Mairead Doyle
13, All Saints Road,
Raheny, Dublin D05PH04 (50)

Margaret O'Connor
34 Ardilaun Court
Sybil Hill Road
Raheny, Dublin 5

Marguerite Gallagher
728B Howth Road,
Dublin 5, D05 X2P0

Marie Herbert,
13 Maywood, Crescent,
Raheny, Dublin

Mark Stringer
22 Saint Annes Ave
Raheny, Dublin 5

Mary Farrell
18 Blackheath Drive
Clontarf, Dublin 3

Mary Kenny
8 Brookwood Glen,
Killester, Dublin 5

Mary O'Connell
31 Charlemont Lane
Howth Road
Dublin 3

Melissa O'Callaghan
69 Kincora Drive
Clontarf

Michael Cummins
Apartment 47 Ardilaun Court
Sybil Hill Road
Raheny, Dublin 5

Michelle Sullivan
23 Marian Park
Baldoyle

Mick Kenny
8 Brookwood Glen,
Killester, Dublin 5

Nora Rice
27 Castle Avenue
Clontarf, Dublin 3

Paul Cassidy.
41 Ardilaun Court
Rahen, Dublin 5

Paul Kenny
8 Brookwood Glen,
Killester, Dublin 5

Paul Loughran
413a Grace Park heights
Drumcondra, Dublin 9

Peter Gallagher
728B Howth Road,
Dublin 5, D05 X2P0

Philip Green
8 Brookwood Glen,
Killester, Dublin 5

Philip Levey
29 The Meadows,
Howth Road, Dublin 5.

Rachael O'Donohoe
63 All Saints Rd,
Dublin 5, D05 TD35

Ray Shah

Rebecca Grattan
4 Tudor Grove
Ashbourne
Co Meath, A84VC43

Rory Burke
3 Canaan Circle
South Salem, NY 10590
USA

Ruth McManus
2 Ardbeg Road, Artane, Dublin 5

Ryan Slater
22 Laragh Close,
The Donahies, D13 KD73.

Ryan O'Donohoe
63 All Saints Rd,
Dublin 5, D05 TD35

Sarnat Bennett
17 Brian Rd
Marino D03 E728

Sean Farrell
18 Blackheath Drive
Clontarf, Dublin 3

Sean Slater
22 Laragh Close,
The Donahies, D13 KD73.

Sharon Power
11 Park Lawn

Síne Vasquez
375 Howth Rd
Raheny, Dublin 5

Sonja Krzyzanowski
53 Ennafort Rd, Dublin 5

Stephanie Cronin
16, Maryville Road,
Raheny, Dublin 5.

Tarciana Farias Levey
29 The Meadows,
Howth Road, Dublin 5.

Dr Thomas Cronin
16, Maryville Road,
Raheny, Dublin 5.

Thomas McGauran
44 Ardilaun Court,
Raheny, Dublin 5

Tinka Selan,
31 All Saints Park,
Raheny, D05 K067.

Veronica Mack,
35 Ardilaun Court
Dublin 5

Yvonne Cummins
Apartment 47 Ardilaun Court
Sybil Hill Road
Raheny, Dublin

Adele Gannon,
51 Abbeyfield,
Killester, Dublin 5.

Aifric OBrien
2a Ennafort Park
Raheny.

Anja Byrne
15 Saint Annes Drive
Raheny
Dublin 5
D05C990

Ann Synnott
54 Castle Avenue
Clontarf
Dublin 3

Ann Marie Dolan
16 Saint Anne's Terrace
Raheny
Dublin 5

Birgit Kretschmann
18 Berehaven Place
Howth Road
Raheny, Dublin 5

Claire Brady
1 Vernon Rise
Clontarf

Claire McGann
712 Howth Road
Raheny

Conor Murphy
2 Dollymount Avenue,
Clontarf, Dublin D03AX60.

Dianne Collins
85 Seapark Drive
Clontarf, Dublin 3

Derek Byrne
15 Saint Annes Drive
Raheny, Dublin 5

Deirdre Dooley (100)

Edel Foley
20 Vernon Rise
Clontarf.

Emer O' Brien
23 All Saints Road
Raheny, Dublin 5

Geraldine Grindley,
33 Brookwood Heights,
Artane, D05HY42

Grainne Ryan

Ian Martin
8 Dunluce Road,

Irene Crossan
28 Sutton Downs,
Bayside, D. 13

Iseult O'Brien
2a Ennafort Park,
Raheny

Jamie Wells
75 Pinebrook Rise
Artane

James Foley
20 Vernon Rise
Clontarf.

Jean McKeating
18 Seapark Road, Clontarf

Ji Hyun Kim
28 Conquer Hill Avenue,
Clontarf,
Dublin 3

John Boyle
11 Park Lawn, DUBLIN 3.

John Lesley

John Murphy
2 Dollymount Avenue,
Clontarf, Dublin D03AX60.

Laura Clarke
78 Ardlea Road
Artane, Dublin 5

Linda Andrews
101 Blackheath Park
Clontarf Dublin 3

Lisa May
75 Pinebrook Rise
Artane

Lorraine Connolly

Louise Coulter

Mark Crossan
204 Tonlegree Road,
Raheny, D.5

Morgan Brickley
57 St. Assams Avenue
Raheny

Nigel Reynolds
Auburn
51A Kincora Road
Clontarf, Dublin 3

Patrick Crossan
28 Sutton Downs,
Bayside, D. 13

Paul Ryan
5 Dunluce Road
Clontarf, Dublin 3

Shaun Moran,
41 Brookwood Ave.,
Artane, Dublin

Sylwia Latosiewicz
204 Tonlegee Road,
Raheny, D.5

Patrick Twomey
78 Ardlea Road
Artane, Dublin 5

Pat Synnott
54 Castle Avenue
Clontarf
Dublin 3

Rebecca Brickley
57 St. Assams Avenue
Raheny

Ronan O'Brien
107 Dunluce Rd

Sarah Lowry
107 Dunluce Road

Zoe O'Brien
2a Ennafort Park,
Raheny, D05T267

Francis O'Hara
47 Kincora Road
Clontarf
Dublin 3

John O'Sullivan
5 St Anne's Terrace
Raheny
Dublin 5

COPY of I Love St Anne's
Submission to
Dublin City Council
as part of original
Planning application
LRD6002/22-S3

10th October 2022

34 Vernon Drive

Clontarf

Dublin 3

Objection to Planning Reference LRD6002/22-S3

A Chara

I wish to object to the latest planning application, submitted by Raheny 3 Limited Partnership (Marlet Property Group) for a large residential development on Z15 lands to the rear of St. Paul's College, Sybil Hill Road at St. Anne's Park, Raheny.

I am submitting this objection on behalf of the community group *I Love St. Anne's*.
(<https://www.facebook.com/ilovestannes>)

This group was established in 2015 in response to the first planning application for the St. Paul's playing fields in St. Anne's park, Raheny.

In the intervening years, we have gathered over 9,000 supporters and have made submissions opposing each of the failed planning applications for these lands.

We have collected 11,000 signatures on petitions (<https://chng.it/7NMyzH5z>) and we have organised several demonstrations, most recently 'Hands Around the Lands' where people formed a human chain around the perimeter of the St. Paul's lands to highlight their location inside St. Anne's park.

We have been supported throughout by our public representatives on Dublin City Council, who recently voted unanimously to zone the St. Paul's lands Z9 under the incoming City Development Plan.

This campaign opposes any building on the St. Paul's playing fields for the following reasons:

These privately owned lands are inside St. Anne's Park

Any building on these lands will impact the entire park, its flora, fauna, ecosystems and all the people who visit it.

It is difficult to imagine a more sensitive receiving environment in this particular corner of the city.

The fact of location of these lands remains unalterable, despite the use of language throughout the planning documents, designed to separate them from the park landscape.

Particularly concerning in this 2022 application is the language used to describe the St. Anne's lands which surround St. Paul's. This language used has the effect of disassociating these St. Anne's lands from what has been defined as the 'historic core' of St. Anne's. This may be a simple misunderstanding of the nature of St. Anne's itself or it may be an attempt to 'devalue' the lands surrounding St. Paul's in terms of their aesthetic and environmental importance, thus facilitating a large scale building project on their borders.

The document describes the lands outside the 'historic core' as '20th Century playing fields' and one might imagine they are a bleak separate entity, made up of goal posts and pitch markings. This could not be further from the truth. St. Anne's is an historic park in its entirety. Most of it comprises open park land much of which is used as pitches but that is not its primary purpose.

The wording in this document is disingenuous at best and at worst, dangerous for the future survival of the St. Anne's parklands.

Anything that happens on the St. Paul's lands will impact all of St. Anne's and the wider UNESCO biosphere in unknown and unknowable ways.

These privately owned lands are currently zoned Z15, primarily for institutional and community use.

This fact remains unalterable, despite the transfer of ownership from their original institutional owner, the Vincentians Fathers to their current owner, Marlet Property Group AKA Raheny 3 Limited Partnership.

Following a judicial review in 2021 of An Bord Pleanála's decision to grant permission on these lands under the highly controversial, undemocratic and subsequently discredited SHD system, the High Court ruled that a change of ownership does not in itself alter the interest to be protected by the land zoning. In this case the interest to be protected by the land zoning is primarily institutional and community use and that use is as playing fields, as argued by Judge Humphrey's in points 35 and 37 of that High Court ruling:

35. Thirdly, it seems to me that the inspector fell into fundamental error by assuming that the word "use" in the development plan means the de facto existing use on the ground. That is incorrect for a number of independent reasons

37. Thus, it seems to me that the inspector had erroneously had regard to the simple de facto situation on the ground which in my view is incorrect as a matter of law.

During the consultation period for the 2022-2028 City Development Plan, the City Manager proposed that the zoning on the St. Paul's playing fields be split to Z9 and Z1.

The fact that a split zoning was proposed, with Z9 around the perimeter of the proposed Z1 building site, in our view endorses our argument that whatever happens on these lands will impact heavily on the surrounding park lands.

The proposal was opposed by the Councillors who, as mentioned above, unanimously passed a motion that they be zoned Z9 in their entirety. This campaign fully supported that motion.

The City Manager subsequently proposed a Z9, Z15 split and his comments are a clear indication that there is a concern about the impact any building at St. Paul's will have on the park environment.

"Notwithstanding this, the CE considers that, having regard to this current stage of the plan making process, that the most appropriate zoning is Z9 (amenity/open space lands/green network) and Z15 (community and social infrastructure) rather than Z1. Accordingly, the CE recommends that the zoning reverts back to Z9/Z15 as per the Draft Plan."

The important thing to bear in mind here in relation to St. Paul's is, if the lands are designated Z15 and Z9, the Humphrey's ruling STILL APPLIES to that Z15 zoned portion – ie –

it's primary use is as playing fields, regardless of its current state of disarray, which is merely a consequence of the actions of the current owner.

The City Councillors have again put forward a motion calling for a Z9 zoning across the lands. This campaign fully supports that motion and believes that Z9 is the only zoning that will ultimately protect these lands from speculative planning applications.

Comment in the City Manager's report no. 261/2022 on Material Alterations to the Draft City Development plan are welcomed, in that they set out the Council's aspirations for Z15 zoning in our city, seeking to protect both the letter and the spirit of the law in relation to Z15 zoning (see quotes from the report below).

"A detailed response to the matter of the Z15 zoning objective was set out in the CE report on the Draft Plan Consultation Process (April 2022).

This noted that 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.

And later ...

The purpose of this proviso is to ensure that that the development of residential/commercial accommodation is directly associated with the social and community use of the lands in order to manage the risk of further piecemeal erosion and/or fragmentation of the city's Z15 land-bank. In this context, the provisions of the Draft Plan that residential/commercial development should only be in exceptional circumstances and should be subordinate to the overall social and community use on the site, is considered entirely appropriate in order to safeguard these lands over the Plan period.

In relation to the pressing and undisputed fact that we need to build more houses, the CE's comments are key:

"There is sufficient land under the core strategy to meet the housing needs of the city over the Plan period. The CE considers that contrary to the assertions of many of the submissions, that it is entirely appropriate for a Development Plan to zone particular lands for social and community use."

It is also good to note that the importance of the Z15 landbank as part of the green network is acknowledged by the CE.

These privately owned lands were recorded in the first planning application as the most important ex-situ feeding site for the protected Brent geese who winter on the adjacent Bull Island.

This is yet another an unalterable fact.

These protected birds have been forced to depart this feeding site because of the land owners decision in 2018 to cease cutting the grass. Sadly, the lands are now derelict and the geese have been forced to forage on open lands such as Springdale Road, where they are continuously disrupted by dogs and people, and on the 15 acres at the Phoenix park, a daily round trip of 24 km, compared to their previous journey of 2km to St. Paul's.

Disruption and distance travelled from their roosting site will impact the birds ability to build up the reserves they need for their breeding season in the high arctic and we are yet to see the full impact of this change in their habitats.

The most recent 'State of the World's Birds' report (<https://birdwatchireland.ie/nearly-half-of-all-bird-species-in-decline-globally-but-63-of-irelands-bird-species-declining/>) shows that around the world, 49% of bird species are in decline, but Ireland is ahead of this trend with an alarming 63% percent of our birds species on Red and Amber conservations lists. The Light Bellied Brent Geese are Amber listed. Ireland hosts an estimated 35,000 of the 37,000 'flyway' Light Bellied Brent Geese and Bull Island is one of their key winter feeding grounds. It is no minor matter that we in Dublin have allowed the destruction of their key feeding site at St. Paul's. What we do in Ireland in general and in the vicinity of Bull Island in particular, to support the population of the Brent geese or otherwise is crucial to their survival.

Procedural Matters

As evidenced by social media postings, the thousands of I Love St. Anne's supporters are bewildered by this latest planning application – all believed that the 2021 High Court ruling would but an end to this matter.

Those who oppose these building plans are once again being asked to pay €20 to submit an objection; once again being forced to spend their own precious time gathering and absorbing facts from the 300 individual documents attached to this application in an effort to understand it; once again having to fight to ensure planning designations in our city are respected.

Members of the public must undertake all of this work, either paying planning consultants or working through the documents themselves, while developers have the funds to access whatever resources are needed to create documents such as the Environmental Impact Assessment Report (EIAR). This seems a deeply flawed process.

For example, and in general terms, not at all specific to this planning application, it seems wholly unfair and undemocratic that a report as fundamentally important to a planning application as the EIAR would be funded by a party who stands to gain from a positive outcome. Again, speaking in general terms and not specifically about this EIAR, imagine for a moment if it were the job of the public or of this campaign to commission and pay for an EIAR – would developers accept it as an unbiased piece of work ? We believe that going forward and in the interests of fair procedure, document's such as the EIAR must be commissioned by a 3rd party – such as the relevant planning authority.

Conclusion

This planning decision comes down to the key issue of zoning. Either we protect the zoning designations for our city, or we allow those with access to vast financial resources to purchase tracts of land and dictate the zoning as they see fit, ignoring democratically agreed City Development Plans.

Who among us wants to live in a city where wealth trumps democracy in this way.



Hands Around the Lands Protest, outside St. Pauls, inside St. Anne's

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Georgina Moore

On Behalf of I Love St Annes.