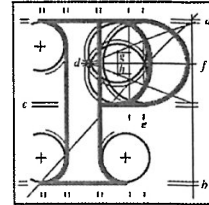


Our Case Number: ABP-315183-22

Planning Authority Reference Number: LRD6002/22S3



**An
Bord
Pleanála**

Joan and Larry Brayden
65 Raheny Park
Raheny
Dublin 5
D05 W571

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.

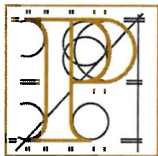
Yours faithfully,


Miamh Hickey
Executive Officer
Direct Line: 01-8737145

LRD40 Acknowledge valid observer submission

Tel	Tel	(01) 858 8100
Glaao 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



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference

NPA-OBS-001643

Online Observation Details

Contact Name

JOAN AND LARRY BRAYDEN

Lodgement Date

20/12/2022 17:22:24

Case Number / Description

315183

Payment Details

Payment Method

Online Payment

Cardholder Name

JOAN BRAYDEN

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

20th December 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

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, 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."

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, nor 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.

Your sincerely

Joan Brayden & Larry Brayden