



AN BORD PLEANÁLA	
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ABP- _____	
05 JUL 2024	
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Time: <u>12:57</u>	By: <u>hw</u>

Chadwicks Group Ltd Ashfield Naas Rd Dublin 22

Third Party Appeal in respect of the Santry Avenue Large Scale Residential Planning Application (Dublin City Council Reg. Ref. LRD6044/24-S3A)

Friday 5th July 2024

Chadwicks Group Ltd (Ashfield, Naas Rd, Clondalkin, Dublin 22) would like to submit this Third Party Appeal in relation to Dublin City Council's decision to grant permission for the Santry Avenue LRD Planning Application (Reg. Ref. LRD6044/24-S3A). Dublin City Council granted permission on 19th June 2024 and Appeals can be lodged up to and including 9th July 2024.

For clarity, Chadwicks Group are the tenant currently operating at the subject application site. Various concerns were raised in our original objection to Dublin City Council, which do not appear to have been sufficiently considered or addressed in the Planning Authority's decision.

A cheque in the sum of €220.00 (appeal fee) is enclosed / a debit card payment in the sum of €220.00 (appeal fee) has been made on 5th July 2024 at the offices of An Bord Pleanála.

We have outlined our concerns below:

Extent of Non-Residential Floorspace

The Planning Officer in their assessment considered that the non-residential development proposed is acceptable for the subject scheme, whilst acknowledging that the percentage of residential is "significant." However, as set out in our original objection we consider that the provision of non-residential floorspace is not sufficient to accord with the Neighbourhood Centre zoning objective pertaining to the site. For ease of reference, when the community/arts/cultural space is included, the total provision of non-residential floorspace represents 8.7% of the total floorspace of the scheme. When the Development Plan requirement for community/arts/cultural space is excluded, the provision of non-residential floor space (764.5 sq m) represents just 3% of the total floorspace.

We refer to a recent decision issued by An Bord Pleanála in relation to a comparable Neighbourhood Centre site in Glenageary, Co. Dublin (ABP Reg. Ref. ABP-318921-24). In their assessment, the An Bord Pleanála Inspector noted the following:

"I calculate that the residential floorspace is c.91.25% of the overall GFA, with non-residential floorspace comprising c.8.75%. As the majority of the proposal comprises residential floorspace, I consider that these proportions could be better balanced and that more commercial, retail, or professional service uses would have been preferable having regard to the underlying NC zoning objective..."

I concur with the appellants and find the quantum of residential floorspace to be disproportionate compared with the other proposed uses and to be excessive for this neighbourhood centre location. As is discussed in the following sections, I recommend that, in the event of a grant of permission, revisions are made to the proposed development by condition to address several planning issues (excessive residential density, inappropriate building height, substandard future residential amenity). The revisions are also required to balance the quantum of floorspace more appropriately between the mix of uses. The recommended revisions (see Table 4 below) include an increase in non-residential floorspace (achieved through a change of use from residential to retail at ground floor level of Block B) and a reduction in overall residential floorspace (achieved through the omission of the third floor level in Block A, and of the third, fifth (partial), and sixth floor levels in Block B).” [Our Emphasis]

Condition 3(b) of ABP Reg. Ref. ABP-318921-24 noted the following in this regard:

“Block B: ground floor level – Apartments B1-0.01, B1-0.02, and B20.01 shall be omitted and the released floorspace be repurposed as new and/or enlarged retail units from those that are proposed.”

Therefore, having regard to the clear intent of the Neighbourhood Centre zoning objective pertaining to the site and the precedent case set by An Bord Pleanála’s recent decision, it is our opinion that a larger quantum of non-residential floorspace should be provided in the proposed development in order to satisfy the intention of the Neighbourhood Centre zoning. Condition No. 5(a) requires the provision of a crèche in Block C which is considered an improvement to the scheme, but does not wholly address the matter we raise

Density

The Planning Officer considered the proposed density to be appropriate for the subject site. However, it is our opinion that the density is too high for the subject site at 214 No. dwellings per hectare. We would question whether the site can be considered as being located in a ‘City - Urban Neighbourhood’ (per the Sustainable Residential Development and Compact Settlements Guidelines, which allows a density of 50-250 No. dwellings per hectare) and consider it may be more appropriate to define the site as being in a ‘City – Suburban/Urban Extension’ location (allows a density of 40-80 No. dwellings per hectare).

Apartment Layouts

The Planning Officer raises a concern with the layout of various apartments as follows:

“One deficit of note in many of the apartment layout is that the entrance to the apartments leads directly into the shared kitchen, dining and living space and the bedrooms are accessed off this shared space, which is not ideal for quality living, with implications for noise and privacy within the units.”

It is our opinion that a Request for Further Information should have issued to the Applicant in relation to this item to ensure quality residential accommodation is provided.

.cycle Parking

The Transportation Department raised concerns with the access provided to the basement bicycle parking and it is noted that there is a shortfall in the provision of cargo parking spaces. The Transportation Department stated that Further Information should be requested. However, Further Information was not requested, and permission was granted subject to conditions. It is our opinion that these items should have been dealt with via Further Information rather than through a condition, so that the public could engage in their detail.

Bat Surveys

In our original objection, we raised concerns regarding the validity of the bat survey information submitted as part of the planning application, which do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

The Biodiversity Chapter of the Environmental Impact Assessment Report (EIAR) is set out in Chapter 5. Section 5.6.4.4.4.1 of the Biodiversity Chapter notes that an assessment of the bat potential of the site was carried out on 14th February 2024 by Enviroguide Consulting. This assessment was to update the previous results of the bat survey undertaken by Ash Ecology on 28th April 2021.

Section 5.6.4.4.4.1 of the Biodiversity Chapter states the following in this regard:

"An assessment of the Site's bat potential was conducted on 14th February 2024 by Enviroguide Ecologists. This assessment included a potential bat roost assessment (PBRA) of the structures on Site as well as an assessment of the habitat suitability therein; to update the baseline conditions established by AW in their April 2021 assessment. The results of the bat survey carried out by AW of Ash Ecology on the 28th of April 2021 found:

'an absence of bat activity onsite during the survey despite the ambient weather conditions on the night and found the site itself to be of Lower Importance for bats for the following reasons:

- *No bats were recorded during the bat survey carried out in ambient weather conditions during the appropriate time of year.*
- *The site is well illuminated due to the fact it is a live retail site (likely to deter bats).*
- ***The site lacks mature trees and therefore commuting and foraging routes to other more suitable habitats.***
- *All buildings occupying the site lacked roosting suitability for bats.'*

The results of the February 2024 assessment confirm that the Site continues to hold negligible bat roost potential and negligible habitat suitability, therefore no further surveys were required as per the BCT Guidelines (Collins, 2023). The Site continues to comprise a well lit, active commercial premises, almost entirely comprised of hard-standing. The buildings on Site are modern and provide no suitable roosting opportunities." [Our Emphasis]

It is contended in the quote above extracted from the EIAR that the site lacks the presence of mature trees. However, when the Arboricultural Report is reviewed, there are 4 No. trees categorised as 'Mature' (No. 54, No. 67, No. 69 and No.89). Therefore, we would question whether these mature trees could comprise potential roosting opportunities and would allow commuting and foraging routes for bat species. Was the Ecologist not aware of these trees?

Furthermore, we note that the original bat survey carried out by Ash Ecology is over 3 No. years old (April 2021) and in February 2024, Enviroguide Consulting undertook an assessment of the bat potential of the site which included *“a potential bat roost assessment (PBRA) of the structures on Site as well as an assessment of the habitat suitability therein; to update the baseline conditions established by AW in their April 2021 assessment”*. Therefore, no surveys have been carried out since 2021 (only a PBRA in February 2024 relating to the structures on site).

Having regard to the potential suitability of the mature trees on site to comprise potential roosting opportunities or commuting/foraging routes for bats, it is our opinion that an updated bat survey assessment should have been carried out during the appropriate time period to ensure accurate and robust information has been submitted.

NB: These concerns do not appear to have been addressed in the Planning Officer’s Report. In our opinion, clarity should have been sought in relation to the bat survey validity, particularly in relation to the inconsistent information provided in relation to the presence of mature trees on site.

Arboricultural Queries

In our original objection, we raised concerns in relation to discrepancies regarding the arboricultural information submitted as part of the planning application, which do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

Firstly, we refer to the Arboricultural Report prepared by The Tree File. Section 11.1 of the report notes the following in relation to the enclosed ‘Santry Tree Impacts Plan’:

“The trees that will be removed, are highlighted in “pink dashed” outlines”.

In relation to Category U trees, the report notes:

“Normally, all category “U” trees (11 in total across survey area) identified in the survey would be removed. However, of these trees, it is noted that 3 trees (nos. 54, 81, 87) exist outside the site area, and appear to be outside of the site jurisdiction. Accordingly, they could only be removed by their respective owners. Therefore, only Nos.61, 66, 67, 68, 69, 70, 72 and 72a should be removed.”

However, we note that none of these Category U trees are shown for removal on the Santry Tree Impacts Plan and thus the strategy for tree removal is unclear in this regard (extract of this Plan is provided on the following page). This lack of clarity is compounded by Section 11.6 of the Report, which provides a *“tree loss breakdown for the proposed development”*, which indicates that 8 No. Category U trees will be removed. Thus, the Tree Impacts Plan and the Report do not appear to correlate.

Furthermore, the report notes:

*“Of the trees/hedges recorded, it appears that the proposed works will result in the loss of one category “B” item, “Hedge 2”. **Notwithstanding the fact that other trees might be disturbed by the proposed works, their apparent location outside of the site ownership means no other trees can/will be removed.**” [Our Emphasis]*

This extract from the Arboricultural Report is also unclear as it appears to be implying that trees outside of the site boundary/Applicant’s ownership could be disturbed by the development.

In addition, in relation to "Hedge 2" to be removed as part of the development, we note that this hedge appears to be located outside of the red line application boundary (see extract below). In this regard, we would like to highlight that all works proposed as part of the development must be included within the red line boundary of the application.

NB: We consider that the Applicant should have been requested to clarify if they have the rights to remove the aforementioned trees/hedges and if so, the red line boundary should have been amended to incorporate these works (and a letter of consent should have been submitted if the lands are not in the Applicant's ownership). These concerns do not appear to have been addressed in the Planning Officer's Report.



Figure 1: Tree Impacts Plan Submitted with the Application
Source: DCC Reg. Ref. LRD6044/24-S3A, prepared by The Tree File, 2024

Bird Surveys

In our original objection, we raised concerns regarding the validity of the bird survey information submitted as part of the planning application, which do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

Chapter 5 of the EIAR states the following in relation bird surveys (Section 5.6.4.5):

"Limited bird species were recorded during the site visits on the 13th of May 2021 and 14th of February, 2024. A total of ten species were identified within the vicinity of the Site, predominantly associated with the boundary vegetation and the occasional flyover. All species recorded during the survey are shown in Table 5.10. One species, Herring Gull observed flying over the Site and loafing on an adjacent rooftop is on the Amber List of the Birds of Conservation Concern in Ireland. All other species observed are Green Listed. The Site is deemed to provide limited suitable habitat for common and widespread urban species i.e.,

sections of hedgerow and treelines for the passerines observed using the Site and warehouse roof providing some potential nesting habitat for gull species."

The appropriate time period for conducting breeding bird surveys is generally March to August. Therefore, a suitable bird survey has not been carried out within the optimal time period since May 2021. The site visit carried out in February 2024 is outside of the optimal time period and thus we consider that an updated bird survey should be carried out during the summer period. Table 5.11 of the EIA notes that:

"The building provides some potential nesting habitat for gulls, however such habitat is widespread in the urban surrounding environment and therefore it is deemed to have lower ecological value."

We consider that an updated bird survey should have been carried out to ensure that all potential bird species utilising the site are accurately accounted for.

NB: This item was not raised or addressed by the Planning Officer in their Report.

EIA - Biodiversity Monitoring

In our original objection, we raised concerns regarding the Biodiversity Monitoring Section of the EIA submitted as part of the planning application. These concerns do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

Section 5.11 (Monitoring) of the EIA (Biodiversity Chapter) notes that:

"No specific monitoring is required in terms of biodiversity".

However, Section 5.8.4.2 of the same chapter notes that:

*"Installation [of bird boxes] will be overseen by an Ecologist; **monitoring of bird boxes post-installation** is discussed in the Biodiversity Management Plan (BMP) accompanying this application under separate cover". **[Our Emphasis]***

Therefore, it is clear that some monitoring is required in relation to biodiversity and thus Section 5.11 should be updated to reflect this. Furthermore, the Biodiversity Management Plan enclosed separately notes the following under Section 4 entitled 'Monitoring':

"The management of the areas of grassland, wildflower meadow and hedgerow/tree planting at the Site will be assessed across a period of 18 months by the Contractor, to ensure that plants are successfully establishing. The Management Company will ensure these areas are being managed in a way that maximises their biodiversity value, as laid out in this BMP. If required, the Ecologist will be able to provide further guidance to the Management Company, as to the management of these areas."

It is our opinion that this should also be included in the monitoring section of the Biodiversity Chapter in the EIA. In addition, we also note that the removal of trees/vegetation is generally supervised by an ecologist and thus we would query whether this needs to be included as a monitoring measure in the EIA.

Therefore, we consider that the monitoring section of this EIAR Chapter needs to be updated to ensure all relevant measures are monitored during the construction and operation stages of the development.

NB: These concerns relating to the Monitoring Section of the EIAR do not appear to have been addressed in the Planning Officer's Report.

A Wind – Microclimate Chapter Should Have Formed Part of the EIAR

In our original objection, we raised concerns regarding the lack of a Wind – Microclimate Chapter within the EIAR submitted as part of the planning application. These concerns do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

We acknowledge that there is a Wind Microclimate Modelling Report enclosed separately with the planning application. However, having regard to the heights proposed in the development (7 No. to 13 No. storeys with a 1 No. storey residential amenity unit), it is considered that a 'Wind-Microclimate' Chapter should have been prepared as part of the EIAR.

NB: This item was not raised or addressed by the Planning Officer in their Report.

Part V

In our original objection, we raised concerns regarding the lack of clarity relating to the scheme's Part V requirements. These concerns do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

The proposed development includes the provision of 10% Part V units. We note that the Part V Validation Letter received from Dublin City Council is dated 5th May 2021. In this regard, we note that there has been a change implemented to the Part V Arrangements since 1st August 2021 which could affect the Part V provision for the site. This change is set out below:

- If the site was purchased between 1st September 2015 and 31st July 2021 by the Applicant, then the site would be subject to a 10% Part V requirement.
- If the site was purchased before 1st September 2015 or after 31st July 2021, then the site would be subject to a 20% Part V requirement.

The Part V proposal submitted with the application does not confirm when the Applicant purchased the site. If the site was purchased before 1st September 2015, then the site would be subject to an increased 20% Part V provision. Therefore, the purchase date of the site by the Applicant should have been clarified.

NB: This lack of clarity was not addressed by the Planning Officer in their Report.

Telecommunications Infrastructure

In our original objection, we raised concerns regarding the Telecommunications Infrastructure information submitted as part of the planning application. These concerns do not appear to have been addressed by the Planning Officer. We have replicated these concerns below for ease of reference:

*“Microwave links that will require the Applicant to make specific allowances for their retention (“Mitigation Measures”) have not been identified. **No Radio Frequency links that will require the Applicant to make specific allowances for their retention have been identified.***

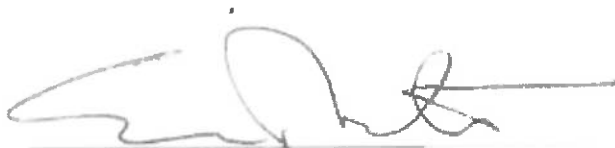
*No Telecommunication Channels were identified that would as a consequence of the height and scale of the proposed development, require specific mitigation measures in order to retain them. **It is recommended to and accepted by the Applicant, to provide a dedicated allocation of space at and on the Lift Shaft overrun together with access to a power supply, where steel support structures can be fixed at a future date, if required, to provide necessary mitigation measures should retention of any Microwave links be required (subject to planning permission if applicable).** It is therefore concluded that the proposal being made by the Applicant allows for the retention of important Telecommunication Channels, such as Microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines (2018). Given all the foregoing, it is considered that the proposed development is compliant with the above criteria.” [Our Emphasis]*

However, it appears that no Telecommunications Report has been submitted to demonstrate the evidence-based findings of these conclusions. Given that the scheme comprises heights of up to 13 No. storeys, the planning application should have been accompanied by a more detailed assessment to ensure that no impacts would occur to the surrounding telecommunication channels.

NB: This item was not raised or addressed by the Planning Officer in their Report.

Furthermore, please be informed that a builder’s merchants has operated from the Premises on a continuous basis for 34 years and we have owned and controlled the business for in or around 28 years since 1994 pursuant to a long lease. The Premises is one of the largest builder’s merchants in North Dublin with our principal business and customer base at the Premises being the sale of building materials and products to large scheme construction businesses and small to medium size builders. The Premises also operates on a retail basis to individual customers for DIY Purposes. The majority of local community housing developments within the locality were predominantly built and established between 1950 to 1970 and similarly the business that has been conducted from the Premises for decades is uniquely placed to support the large scale retro-fit work that is required to take place in the local area over the next decade. This is considered a key factor in supporting the State in meeting its sustainability targets and climate change obligations within that timeframe.

Yours faithfully,



Simon Thornton
For and on behalf of Chadwicks Group Ltd

Appendix A: Dublin City Council Acknowledgement of Objection

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí 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 2288
E. planningsubmissions@dublincity.ie

Simon Thornton o.b.o. Chadwicks Group
Ltd
Chadwicks Group
Ashfield
Naas Rd
Clondalkin
Dublin 22
D22W8Y8

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO.	LRD6044/24-S3A
DATE RECEIVED:	18-Apr-2024
LOCATION :	The junction of Santry Avenue and Swords Road, Santry, Dublin 9
PROPOSAL :	Permission for a Large-Scale Residential Development (LRD) on this site, c. 1.5 hectares, located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9. The development site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the permitted Santry Place development (granted under Dublin City Council Ref.s. 2713/17 (as extended under Ref. 2713/17/X1), 2737119 & 4549/22). The proposed development provides for 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community /arts & culture space (total c.1, 460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D. The proposed development consists of the following:(1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4, 196.8m 2) (2) Construction of 321 no. 1, 2, & 3 bed apartments, retail units, medical suite /GP Practice, community/arts & culture space, and a one storey residential amenity unit in 4 no. buildings that are subdivided into Blocks A-G as follows: Block A is a 7-13 storey block, consisting of 51 no. apartments, comprised of 22 no. 1 bed, 23 no. 2 beds & 6 no. 3 bed dwellings, with 2 no. retail units located on the ground floor (c. 132sq.m & c.172sq.m respectively). Adjoining same is Block B, which is a 7 storey block, consisting of 38 no. apartments, comprised of 6 no. 1 bed, 26 no. 2 bed, & 6 no. 3 bed dwellings, with 1 no. retail unit (c.164sq.m) and 1 no. medical suite / GP Practice unit located on the ground floor (c. 130sq.m). Refuse storage areas are also provided for at ground floor level.

An Roinn Pleanála & Forbairt Maoinne, Bloc 4, Urlár 3,
Oifigí 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 2288

E. planningsubmissions@dublincity.ie

Block C is a 7 storey block, consisting of 53 no. apartments, comprised of 14 no. 1 bed & 39 no. 2 bed dwellings. Adjoining same is Block D which is an 8 storey block, consisting of 44 no. apartments, comprised of 22 no. 1 bed, 15 no. 2 bed, & 7 no. 3 bed dwellings. Ground floor, community/arts & culture space (c. 583sq.m) is proposed in Blocks C & D, with refuse storage areas also provided for at ground floor level. Block E is an 8 storey block, consisting of 49 no. apartments, comprised of 7 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area, substation, & switchroom are also provided for at ground floor level. Adjoining same is Block F, which is a 7 storey block consisting of 52 no. apartments, comprised of 13 no. 1 bed & 39 no. 2 bed dwellings. Ground floor, community/arts & culture space (c.877sq.m) is proposed in Blocks E & F. Block G is a 7 storey block, consisting of 34 no. apartments, comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level. (3) Construction of a 1 storey residential amenity unit (c. 166.1sq.m) located between Blocks A & D. (4) Construction of basement level car park (c.5, 470.8sq.m), accommodating 161 no. car parking spaces, 10 no. motorbike parking spaces & 672 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 33 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level. (5) Public open space of c. 1, 791sq.m is provided for between Blocks C-D & E-F. Communal open space is also proposed, located between (i) Blocks E-F & G, (ii) Blocks A-B & C-D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit, totalling c.2, 986sq.m. The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels. (6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17). (7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development. The application together with the Environmental Impact Assessment Report may be inspected online at the following website set up by the applicant:
www.santryavenuelrd.ie

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 2288
E. planningsubmissions@dublincity.ie

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.
- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website**. www.dublincity.ie.

Yours faithfully,

For ADMINISTRATIVE OFFICER

Agent: Elaine Hudson

Thornton O'Connor Town Planning,
No 1, Kilmacud Rd Upper Dundrum,
Dublin 14