



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Planning & Property Development Department

Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

An Roinn Pleanála & Forbairt Maoine

Bloc 4, Urlár 3, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

T: (01) 222 2288 /F: (01) 222 2271

26th February 2018

An Bord Pleanála
64 Marlborough Street
Dublin 1

RE: **ABP REF:** ABP-300559-18
DCC REF: SHD0003/17
Location: Lands east of St. Paul's College, Sybil Hill Road, Dublin 5

Demolition of existing pre-fab classroom structure, construction of 536 no. units (104 no. houses and 432 no. apartments), widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road with footpaths and on-road cycle tracks from Sybil Hill Road and Sybil Hill House (Protected Structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and associated site works.

Dear Sir/Madam

I refer to your letter of 9th January 2018 in relation to the above application.

Please see enclosed a copy of the following:

- Chief Executive's Report
- Reports from Internal Departments, Dublin City Council
- Reports from North Central Area Committee Meetings of 15/01/18 & 24/01/18
- Correspondence from elected members dated 24th January 2018
- Email correspondence from Cllr. Ciaran O'Moore (on behalf of elected members) dated 24th January 2018

If you have any queries in relation the above please contact me at the number above.

Yours faithfully

Lorraine Donnelly
For Executive Manager

Chief Executive's Report

**ABP REF:
DCC REF.
PROPOSAL**

ABP- 300559-18
SHD0003/17

Crekav Trading GP Limited, intend to apply to An Bord Pleanala for a ten year permission for a strategic housing development at this site located on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. The development will consist of:- 1) Demolition of 1 no. existing pre-fab classroom structure. 2) Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian/vehicular gates to the new and existing accesses to Sybil Hill House and St. Paul's College. 3) Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road. 4) A residential development of 536 no. units comprising 104 no. houses and 432 no. apartments. The houses will be laid out in 4 courtyard perimeter blocks of 26 units each, and will comprise 96 no. terraced 3-bedroom units and 8 no. detached 4-bedroom units, all 3-storey in height with associated terraces including roof terraces. The apartments will be accommodated in 6 no. blocks ranging in height from 5 to 8 storeys (over basement). Block 1 (5 to 8-storeys) will accommodate 143 no. units comprising 48 no. 1-bedroom, 92 no. 2-bedroom and 3 no. 3-bedroom units. Blocks 2 and 4 (8-storey) will each accommodate 63 no. units comprising 15 no. 1-bedroom, 39 no. 2-bedroom and 9 no. 3-bedroom units. Blocks 3 and 5 (5-storey) will each accommodate 39 no. units comprising 9 no. 1-bedroom, 24 no. 2-bedroom and 6 no. 3-bedroom units. Block 6 (5-storey) will accommodate 85 no. units comprising 59 no. 1-bedroom and 26 no. 2-bedroom units. All apartments will be provided with associated balconies/terraces. The development provides for: - Community Rooms at ground and basement level of Block 1; - Gym and crèche facility at ground floor in Block 6; - Two areas of public open space east and west of apartment blocks; - Substation/switchroom buildings; - Basement level providing 434 no. car parking spaces, 864 no. bicycle parking spaces, refuse storage and plant; - All other site development works and services including roads and footpaths, surface parking (200 spaces), bicycle parking, bin storage, landscaping and boundary treatments and surface water attenuation facilities. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. An Environmental Impact Assessment Report (which also constitutes an Environmental Impact Statement) and a Natura Impact Statement have been prepared in respect of the proposed development. The application, together with the Environmental Impact Assessment

Report and Natura Impact Statement, may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanala and Dublin City Council. The application may also be inspected online at the following website set up by the applicant: www.stpaulsshd.ie. Any person may, within a period of 5 weeks beginning on the date of receipt by An Bord Pleanala of the application and on payment of the prescribed fee of €20 (except for certain prescribed bodies), make a submission or observations in writing to An Bord Pleanala, 64 Marlborough Street, Dublin 1, relating to the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by An Bord Pleanala in making a decision on the application. Such submissions or observations must also include the following information: (a) the name of the person, authority or body making the submission or observations, the name of the person, if any, acting on behalf of that person, authority or body, and the address to which any correspondence relating to the application should be sent, (b) the subject matter of the submission or observations, and (c) the reasons, considerations and arguments on which the submission or observations is or are based. An Bord Pleanala may grant permission for the strategic housing development as proposed, or may grant permission subject to such modifications as it specifies in its decision, or may grant permission in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the proposed development. An Bord Pleanala may attach to a grant of permission such conditions as it considers appropriate. Any enquiries relating to the application process should be directed to the strategic Housing Development Section of An Bord Pleanala (Tel.01-8588100).

**LOCATION
APPLICANT**

Lands east of St. Paul's College, Sybil Hill Road, Dublin 5
Crekav Trading GP Limited Floor 7, College House, Townsend Street, Dublin 2

**Response to An Bord Pleanála in accordance with the requirements of Section 8(5)(a)
of the Planning and Development (Housing) and Residential Tenancies Act 2016**

Site Location:	Lands to east of St. Paul's College, Sybil Hill Road, Dublin 5
Proposal:	To construct a residential development containing 536 no. units (104 no. houses and 432 no. apartments) and associated facilities
Application Type:	Strategic Housing Development application
Date Lodged:	22/12/17
Zoning Objective:	Z15: To protect and provide for institutional and community uses

Site Description

The site is located on the east side of Sybil Hill road and consists of an access route between St. Pauls' college and Sybil Hill House (protected structure) and a substantial part of the existing school play 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. Pauls College school buildings, Sybil Hill House and the Meadows housing estate. Part of the existing school pitches located immediately to the east (rear) of the college buildings are outside the site boundary but form part of a separate concurrent application to upgrade sports facilities which is currently subject to a request for further information under plan ref. 3777/17.

Proposal:

This is a Strategic Housing Development application seeking a ten year permission for a development including the following:

- Demolition of 1 no. existing pre-fab classroom structure.
- Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian/vehicular gates to the new and existing accesses to Sybil Hill House and St. Paul's College.
- Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road.
- A residential development of 536 no. units comprising 104 no. houses and 432 no. apartments.
- Community rooms at ground and basement level of apartment block 1;
- Gym and crèche facility at ground floor in apartment block 6;
- 434 no. car parking spaces, 864 no. bicycle parking spaces, refuse storage and plant at basement level; and
- 200 no. surface car parking spaces.

The application is supported by the submission of a range of documents including: a masterplan for the Z15 institutional lands, an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

Pre-Application Consultation

This is an application for Strategic Housing Development. In that context, the Planning Authority had S.247 pre-application consultation meetings on the 8th March 2017 (PAC0090/17), 4th July 2017 (PAC0351/17) and 26th July 2017 (PACSHD0002/17). The Planning Authority submitted an opinion to An Bord Pleanála prior to attending a pre-application consultation meeting with the Applicant and An Bord Pleanála on the 18th October 2017. An Bord Pleanála issued an opinion on the 6th November 2017 indicating that the submitted documentation may constitute a reasonable basis for an application subject to a number of issues being addressed.

Relevant Planning History

3777/17 – Further information requested on 27th October 2017 in relation to a proposal for the construction of a 2-storey sports hall and 2 no. all-weather playing pitches comprising 1 no. championship sized floodlit playing pitch and 1 no. 5-a-side sized floodlit playing pitch with the provision of car parking (24 spaces) and coach set-down (3 bays) at St Pauls College, Sybil Hill Road, Raheny, Dublin 5.

4185/15 – Application withdrawn for a proposed development including: 2 no. all-weather playing pitches and a multipurpose sports hall and a residential development comprising 381 no. units – 107 no. houses and 274 no. apartments in 6 no. five storey blocks on playing fields to the east of St. Paul's College, Sybil Hill Road, Dublin 5.

4242/15 – Grant permission on appeal (ABP ref.PL29N.246250) for 76 no. dwellings, crèche facility and community/cafe on a site at No. 1, 1A and 1B (and lands to the rear of same) Sybil Hill Road, Raheny, Dublin 5.

Interdepartmental Reports - Summary

Drainage Division

No objection subject to conditions including the agreement of details to avoid scouring the Naniken river channel, an infiltration assessment / percolation test and details of measures proposed to alleviate any risk of additional pollution load to this water body.

Roads and Traffic Planning Division

Report indicates that the proposed increase in traffic levels can be accommodated on the existing road network. No objection subject to conditions including the relocation southwards of the existing signalised pedestrian crossing adjacent to the proposed new access junction, the provision of a new pedestrian crossing to the north of the access junction, and for the proposal to be designed in accordance with the Design Manual for Urban Roads and Streets.

Parks and Landscape Services

The Parks and Landscape Services report raises significant concerns. Should planning permission be granted, the report also suggests a range of conditions relating to open

space, drainage / Naniken river, landscaping, tree protection, taking in charge and the provision for facilities for clubs.

Relationship to St. Anne's Park

St Anne's Park has an existing visual character of great quality, which contributes to its popularity as one of Dublin's premier destination parks and its designation as a Conservation Area. The characteristics are created by the expanse of the park, the maturity of its tree planting and the lack of visual intrusion from suburban Dublin that surrounds it.

The proposal may adversely affect the setting of the St Anne's Conservation Area. The potential dominance of the proposed development could be mitigated by measures including:

- Effective on site landscaping of the development
- Façade colours that blend with the existing park edge colouration
- Façade materials that are non—reflective and prevent glare
- Vertical greening of building facades, including built-in balcony planters.

Public Open Space

The Parks and Landscape Services report indicates that the proposed public open space to the northeast acts primarily as a drainage attenuation reserve and on the western boundary as set back from an existing residential area and is inappropriate in arrangement, size and location as public open space, but satisfactory as the proposed scheme's own private/communal open space. The lands to the southern boundary are acceptable as public open space. Parks & Landscape Services therefore recommend that a financial contribution in lieu of the provision of public open space should be considered. Any financial contributions arising shall be invested into the improvement and enhancement of St Anne's Park (see Appendix B of report).

Loss of Ex-Situ Bird Feeding Site

The Parks and Landscape Services report indicates that: the application site is the most important ex-situ feeding site for Brent Geese in Dublin; the proposal is likely to result in significant impacts; the proposed mitigation is questionable in terms of its achievability; and the remaining options are to provide suitable compensatory habitat or not to proceed with the development.

Community Use of Pitches

The Parks and Landscape Services report indicates that: the proposal removes all 6 existing grass pitches; the proposed replacement facilities are subject to a separate application; the ability to comply with the Z15 zoning objective is unclear; competitive rugby is played on grass pitches; the applicant should provide pitches for all clubs not accommodated by the proposal; St. Anne's Park has reached its capacity limits on use of its pitches; and the creation of new pitches in the park is not feasible.

City Archaeologist Report – No objection subject to conditions. The most significant impact will likely be on the site of the once standing Maryville House and gardens which

are probably 18th century in date. It is recommended that a programme of targeted archaeological testing be undertaken in advance of construction works.

Housing Department – An agreement in principle to comply with Part V has been reached. DCC's preferred option is to acquire units on site. Units have been identified for consideration should planning permission be granted

Consultees

Several consultees made comments which were taken into account in this assessment including those summarised below:

Transport Infrastructure Ireland

No observations to make.

Irish Water:

No objection subject to a condition requiring a valid connection agreement being put in place between Irish Water and the applicant.

National Transport Authority

The site is within 1 km of Killester and Harmonstown Dart stations, and served by Howth Road Bus Corridor; as such, the development aligns closely with prevailing policy including the NTA Transport Strategy for the GDA 2016-2035.

An Taisce

The impacts on the Special Protection Area (SPA) and Brent geese population have not been adequately assessed, some considerations in the submitted NIS do not appear to be scientifically founded, reference is made to relevant European Court Judgements, and uncertainty about the number of site visits means that it is not appropriate to determine if the geese are opportunistic as opposed to loyal to specific sites.

Department of Culture, Heritage and the Gaeltacht

The DCHG report raises no objection subject to conditions in relation to archaeological issues; raises concern in relation to architectural heritage indicating that a full assessment should be carried out to establish the impact of the proposal in the historical context; and raises concern about the impact of the proposal on light bellied Brent geese with an emphasis on the potential cumulative impact.

Summary of Representations

Approximately 1,100 observations have been submitted and taken into account in the assessment of this Strategic Housing Development application. National and local politicians together with local groups including residents associations and sports clubs made observations in relation to the proposed development. One observation includes an extract from the "I Love Saint Anne's" website with over 2,000 comments and c.7,000 signatures on the website objecting to the proposed development. There is an observation supporting the proposed development primarily on the basis that the proposal would deliver a significant number of high quality homes in a very good location. However, the overwhelming majority of observations object to the proposed

development. The key planning issues raised in these observations is summarised below:

General / Procedure

- Validation – numerous drawings missing from ABP website
- Validation – Ownership details unclear
- SHD is an (cynical) attempt to bypass/subvert procedure – Dev. Plan & Local Authority
- Previous commitments were given to retain land in institutional use
- Lands bequeathed for use as a public amenity
- Contravention of development plan
- Applicants website inadequate / drawings not available
- Unsuitability of system for submitting observations (no online portal available)
- Information not available on An Bord Pleanála website
- ABP and developer may have broken Data Protection Act by hosting data on websites that do not have privacy or consent policies
- Lack of community consultation
- Strategic Housing procedure is non-transparent
- Procedure for third party engagement in such applications is outdated
- Project splitting with ref. 3777/17
- A grant of planning permission for the current application would be premature without a decision on application 3777/17, given the serious nature of the issues raised as part of the further information request
- Computer Generated Images downplay impact
- 10 year permission will not provide housing to address current housing shortage
- Proposal represents attempted privatisation of a public asset
- The public notice is inadequate as the written description attempts to conceal the true nature of the development
- The houses & apartments are not social or affordable
- Environmental Impact Statement (prepared by developer) not objective
- Compromised the general public's rights under the Data Protection Act 1988 and 2003
- Submission of separate plans for school facilities and residential development attempt to mislead
- The ongoing absence of consultation with the people of Raheny and their public representatives and the need for an oral hearing
- The developer may not make the profits they expect
- Site notice Inadequately placed - over 200m from actual site of works
- Applicant's website and ABPs websites do not fully disclose information
- Pre-apps not available for review
- The 10 year permission will be for land banking (leverage)
- Masterplan needs to be completed by all stakeholders including public and including all of St Anne's and the long term vision for it
- DCC should seek sterilisation of remaining Vincentian landholdings in the St Anne's Demesne
- Accommodates greed and the value of the remaining lands in St Paul's will be increased
- The developers are using the crisis to strong arm planners
- The City Manager's report to An Bord Pleanála should reflect the unanimous opposition to the development at council meeting
- Such development would never be permitted on the southside of the city or in the Phoenix Park
- Acknowledged there is a housing crisis; however, 90% of these units will be for private sale and 10% for social housing will be sold at high cost to City Council.

Makes no significant impact on housing need while permanently altering this important green space

- No further development space for the future expansion of St. Pauls
- Land Ownership question. Saint Paul's lands were in process of being registered by DCC with the Land Registry in September 2015 at same time as ownership was being transferred from the Vincentian's property holding company Orsigny to Crekav. Correspondence between third party and the Law Agent (Sep 2016) indicates that the maps submitted with the Council's application for registration of its ownership of Saint Anne's Park to the Land Registry for First Registration in 2013 were incorrect as they included property which had been sold to the Vincentian Fathers in the 1930s. Amended maps were submitted to the Land Registry in February 2016

Zoning Objective / Masterplan / Open Space

- Site not zoned Z1 residential (is an attempt to bypass Z15 zoning – as such would need to be rezoned and open to elected members scrutiny)
- Site would need to be rezoned to Z1 – bypassing the rezoning process
- Alternative appropriately zoned lands available
- Site not surplus to requirements
- Housing shortage is noted - but plenty of alternative vacant lands, Z1 and Z14 zoned lands to cater for housing demand
- Residential not permissible (automatically allowed) under Z15 zoning objective, only to be “considered” and for use as residential accommodation for the institution in question
- This represents upzoning of Z15 lands
- Licenced use does not equate to community use
- Contravenes Development Plan policies including Section 2.3.10 Sustainable Communities, and Section 2.3.8 Green Infrastructure
- Contravenes Dublin City Tree Strategy 2016-2020
- Contravenes Dublin City Biodiversity Action Plan 2015-2020
- Masterplan deficiencies
- Student numbers / schools capacity
- Inadequate open space
- Loss of open space and sports pitches
- Obesity epidemic
- Serious capacity and suitability issues with pitches in the area notwithstanding all-weather facilities proposed (under Plan No. 3777/17)
- The existing intensity of pitch activity cannot be accommodated on the reduced quantum and footprint of playing pitches
- Clubs may be displaced by the residential development
- Insufficient provision of comparable amenities / sports facilities
- There can be no concurrent GAA and soccer usage as currently happens
- Rugby is a grass based sport
- Lack of community gain
- Application lands historically available to whole community before being fenced for insurance reasons (ref. 2948/01)
- The Vincentian Order previously submitted a letter to a planning hearing on the nearby swimming pool site that the remaining lands were to be retained in institutional use in the long term
- Proposed community gain in this and concurrent sports facilities application (ref.3777/17) may not be available to the public in the long term
- Privatisation (by stealth) of a public asset
- St.Paul's school annually discourages / refuses enrolments

- Applicant has taken steps to exclude the use of playing fields by soccer, rugby and GAA clubs after 60 years of continual use
- Clontarf FC, which has over 500 children and youth members, has been ejected from the grounds by the developer, replacement pitches and facilities have not been identified.
- The proposed 4G facility on the adjoining lands is totally inadequate to cater for community and club requirements.
- The sports hall and all weather pitches will be privately owned and will not be available for public use or fully accessible to local community organisations
- No evidence supplied that there is no longer a need for the continued use of the land for public amenities
- Impact on ability of St. Paul's College to expand in the future
- The proposal will give rise to loss of tourism, negatively affecting local businesses
- The removal of the playing pitches will result in added pressure on alternative pitches and sports facilities in the locality.
- The proposed development will result in the loss of recreational amenity
- Recreation space is needed to encourage healthy activity
- Minimal public benefit from the development
- Loss of educational lands
- Application documents state that if development does not go ahead then the sports facilities will not be provided. If site has already been sold to applicant why can this money not go toward building the new sports facilities?
- Playing pitches were 'orphaned' from the school in terms of zoning when they were sold off by the school in 2015 and therefore 'Residential' is no longer open for consideration under Z15 zoning
- 10 year permission is being sought – the UK pension funded scheme may not develop permission and may use the site as leverage and flip rather than commence.
- The development should be reduced to a fraction of its size in order to be more sympathetic.
- As a compromise - there should be a 100m deep green buffer between development and Millennium Arboretum & Avenue Conservation Areas – as per width of existing corner GAA pitch
- This buffer should then pass to DCC's ownership – with the developer given additional rights of way including an access to the north towards Howth Road between St Anne's pitch 1 & 2 with additional parking adjacent.
- Community rooms at basement level will be of an inferior quality.
- Crekav should fund a school as there is only one secondary nearby and there will be a shortage of school places in years to come
- A Masterplan should be provided for all of St. Anne's Park Development
- Will set an undesirable precedent for further development in the Park

Design

- The mass, height, density and scale of the proposal is excessive
- The location of 8 storey blocks outside 500m DART catchment
- Higher density apartment blocks and provision for 1 to 2 person households are required in order to meet housing needs
- Permitting high density residential development on amenity lands would set an undesirable precedent
- The design of the proposal is inappropriate
- Much lower heights are appropriate to minimise impact on the park
- The proposed development in particular the apartments blocks should be set back from public areas to minimise the visual impact
- Visual impact / visually obtrusive

- Inadequate screening / boundary planting and treatment
- Overdevelopment
- Out of character
- Some of the 8 storey blocks are outside the 500 metre radius of the Dart Station
- Encourage anti-social behaviour
- Basement is not sustainable as it encourages the use of cars
- Pumping will be required as the basement level is lower than the proposed attenuation measures
- Height should be capped at 3 storeys
- Adjoining higher rise developments nearby do not set a precedent due to set backs from the road, closer proximity to the DART station and lower relative level

Impact on existing Amenities

- Overbearing, overshadowing, overlooking / loss of privacy including the Meadows
- Light and noise pollution
- Impact on the Meadows estate; on the Main Avenue St. Anne's Park; Millennium Arboretum
- The proposed apartments are visually intrusive
- Impact on visual and residential amenity
- Potential for antisocial behaviour
- St Anne's Park is designated as a 'Quiet Area', within which noise levels cannot exceed 55db during day time and 45db at night time
- Increased pressure on over-subscribed primary and secondary schools
- Loss of sports facilities to St. Paul's School
- No account made of impact on Saint Anne's Park itself in terms of overshadowing from the development
- Character of the avenue and overall green space will be completely altered negatively by the presence of the new blocks

Transport and Services

- Traffic and parking causing congestion / hazard, particularly on Sybil Hill Road
- Traffic hazard for vulnerable road users (proximity of nursing home and schools)
- Inadequate traffic study
- DART / buses already at capacity
- Inadequate drainage / water supply
- Flood risk
- Impact on Naniken river and the UNESCO Biosphere
- Proposed parking provision exceeds Dublin City Development Plan maximum
- Access through the school grounds poses a hazard
- Impact on Aquifer not properly assessed
- Only small proportion of the site is within a 500m radius of Harmonstown DART station but actual travel distance is further
- To achieve bringing the development within 500m of Harmonstown Station an access from the site's N E corner into a secluded open area in park was deemed necessary. The path will pass Pitch No. 1 on one side and a wide dense copse of trees. The copse backs onto Meadows Estate with concern for anti-social behaviour and safety.
- Layout of the scheme does not allow for ease of access to the DART station
- Sewer runs under the site and is at capacity

Protected Structure / Landscape / St. Anne's Park

- Impact on Protected Structure

- Not protect historical landscape / setting of protected structure / conservation area
- Inadequate tree protection / root protection zones underestimated
- Poor landscape planning / inappropriate tree removal
- The proposed entrances to St. Anne's Park would lead to anti-social behaviour
- Permeability / safety issues
- Development will be visible from St. Anne's park including the Avenue as proposed landscaping will not survive
- Proposal is detrimental to St. Anne's Park
- Impact on existing trees including Holm Oak and Pine trees on the park Avenue
- Construction related impact on St. Anne's Park
- Public parks and green spaces within the city should be protected from development
- The visual impact of the development on the landscape has been understated
- Diversion of high-speed commuter cyclists through the park
- Poor quality and concerns in relation to the accuracy of the Conservation Impact Assessment
- DCC recognises the importance of the park, including area of sports pitches, as part of city green space and its contribution to the city's interconnected green space network
- St Anne's Park is second only to Phoenix Park
- The new residential access road and development will negatively impact upon Sybil Hill House (Protected Structure)
- Loss of symmetry to St Anne's Park
- School will require additional security / fencing which will be detrimental to its outlook
- Trees on the avenue are already stressed with no consideration of implications for reduced flow of existing water from St. Pauls onto root systems.
- The suggested protections measures are not suitable to protect trees
- The Root Protection Areas / measures in this proposal are inadequate and do not match reg. ref. 3777/17
- Pitches to be ripped up were funded by the community and national lottery

Biodiversity / Appropriate Assessment / Environmental Impact Assessment

- Biodiversity issues
- EIS inadequate
- Impact on flora and fauna
- Impact on Bats
- Impact on Special Protection Areas (SPA's) & biosphere
- Feeding site for Curlews, Brent Geese, Godwit and Oyster Catcher
- Need protect site in line with Birds and Habitats Directive
- Most densely used feeding site for Brent geese after Bull Island
- Likely an important corridor for Brent geese between Bull Island and inland foraging sites – fragmentation of foraging habitat should be prevented
- Other sites of importance for Brent geese are also vulnerable to development leading to cumulative effects
- Need to seek independent analysis of impact on Curlews, bats and trees
- Curlews and Black-tailed Godwit listed as a species of special conservation interest are present on application site and should have been considered as part of NIS
- Natura Impact Statement does not adequately consider importance of St Paul's as an ex-situ site for species associated with SPA's
- The Environmental Impact Statement (EIS) identifies potential significant impacts for Brent geese and Black-Tailed Godwit, through destruction of feeding habitat; two of the most important qualifying interest species for the adjacent North Bull

Island SPA. Using current ECJ case law it is clear that this impact cannot be mitigated against

- Undertaking of works outside of the nesting season would result in works taking place at precisely the time when over-wintering birds feed on this habitat
- The EIS identifies the presence of four bat species on the site, with mitigation measures proposed including removal of potential bat roost trees under the supervision of an ecologist. ECJ rulings in respect of Article 6 of the Habitats Directive indicate that where potential significant impacts arise, it is not in keeping with the Directive to mitigate for potential significant damage by removal of the habitat, species or habitat on which the species is dependent
- The proposed development requires a full EIS. The documentation provided is inadequate
- The Environmental Impact Assessments are inaccurate, incomplete and not objective
- Mitigation measures outlined within the EIA are not adequate
- Breaching of European law – Imperative Reasons of Overriding Public Interest (IROPI). Bord failure to acknowledge this as required under Article 6(3) and (4) of the Habitats Directive 92/43/EEC would form grounds for High Court appeal
- Natura report inadequate and fails to acknowledge the North Bull Island Biosphere
- Destruction of protected species habitat for bats which are protected by Wildlife Act 1976
- Replacement of grass pitches with artificial surfaces
- Extensive areas of surface parking would be unsightly in relation to the park

Assessment

This proposal will be assessed under the following headings:

- Institutional Zoning Objective
- Biodiversity
- Design and Impact on Amenities
- Other Issues / Third Party Observations

Institutional Zoning Objective

The application site is zoned Z15 in the Dublin City Development Plan 2016-2022. The Z15 zoning objective is "To protect and provide for institutional and community uses". These lands play an important role in the achievement of a more compact city in that they contribute to the creation of vibrant neighbourhoods and a sustainable well connected city through the provision of such infrastructure as schools, hospitals and open space.

The zoning objective indicates that any development proposals should give consideration to their potential to: contribute to the development of a strategic green network and any development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and avoid abrupt transitions of scale between zonings.

Furthermore, the zoning objective requires that where there is an existing institutional and/or community use, any proposed development for 'open for consideration' uses such as the current residential proposal on part of the landholding, shall be required to demonstrate to the planning authority:

- how the proposal is in accordance with and assists in securing the aims of the zoning objective;
- how it secures the retention of the main institutional and community uses on the lands (including space for any necessary expansion of such uses);
- how it secures the retention of existing functional open space e.g. school playing fields; and
- the manner in which the nature and scale of the proposal integrates with the surrounding lands.

The zoning objective indicates that a masterplan may assist in demonstrating how these requirements may be satisfied. The masterplan shall set out a clear vision for the lands zoned Z15, to provide for the identification of 25% of the lands for open space and/or community facilities. The masterplan must incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominately for community use. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.

The submitted masterplan indicates that St. Paul's school enrolment has not exceeded 594 pupils at anytime over the past 10 years, that the planned capacity of the school is 600 pupils, with the ability to accommodate up to 650 pupils without significant additional accommodation. There is a letter on file from the Department of Education and Skills indicating that the proposed development will not affect their future projections including the increased demand due to the development at St. Paul's both at primary and post primary level. Furthermore, the submitted masterplan indicates that a feasibility study identified the potential capacity for c.1,000 sq.m of additional school floor area in a two storey extension located to the north east of the school complex and a study has been carried out identifying the potential location of an extension to Sybil Hill House to accommodate any required expansion of residential facilities for the Vincentian Order. Notwithstanding the above, it is considered that the proposed development could have been more generous in allowing for potential future expansion of the existing school having regard to the size of the institutional lands.

The submitted information indicates that there are 7 no. existing pitches consisting of: 1 no. synthetic pitch; 1 no. GAA pitch; 2 no. rugby pitches; and 3 no. soccer pitches. The information submitted in the masterplan on the school and community use of existing pitches is primarily based on the potential use given the hours of availability rather than actual existing use established by providing timetables for the use of each pitch over recent years. It is noted that the submitted Response to ABP's Opinion document indicates the licenced community usage of three pitches (figure 2), however, the document also acknowledges that up to six pitches are used at a time with up to 700 participants. Furthermore, no details are provided of community use during the week.

The planning authority pre-application opinion on this proposal clearly indicated that the applicant must demonstrate that: both the needs of the school and the community will continue to be satisfactorily met on site (i.e. the retention of the main institutional and any local community uses such as local sports clubs including allocating space for any necessary expansion of such uses); that the development would be deemed not to be compliant with the Z15 zoning objective should the applicant fail to adequately demonstrate that the lands of the proposed development are surplus to requirements of the school and the local community; despite numerous requests, the applicant has consistently failed to produce any figures on a club by club and slot by slot basis together with any comparative figures showing past availability / past allocation of pitches for all named clubs even for the 2016 season; the planning authority is concerned that the displacement of clubs may take place in order to facilitate the development; and the

Parks Division is not in a position to provide alternative pitches in St. Anne's Park for the displaced clubs without seriously compromising other amenities / facilities and / or the historic landscape.

It is considered reasonable that the applicant should have submitted timetables for the community use of the school playing fields on a pitch by pitch, club by club and slot by slot basis for at least 2016 and preferably the 2014 – 2016 period given third party submissions relating to the displacement of existing community uses.

In this regard, it is noted that Clontarf FC, Clontarf GAA and Clontarf Rugby (Clontarf Football Club), Raheny GAA and Raheny United submitted observations in relation to the proposed development. Clontarf FC, Clontarf GAA and Clontarf Rugby have a large number of children's teams and use the St. Paul's pitches for training.

Clontarf FC state that from the 2013 season onwards they have consolidated their playing pitches at St. Paul's. They used three full sized pitches (splitting one in two, for small-side teams) on Saturday and Sunday mornings. Notwithstanding the above, the Applicant indicates that Clontarf FC have a licence to use one pitch only, on Saturday afternoons and Sunday mornings.

Clontarf GAA state that they have no playing lands of their own and rely heavily on St Paul's College and DCC Parks. The club states that they have invested in and developed the GAA pitch in St Paul's. They state that they had (until staged withdrawal of access) the use of the GAA pitch at all times outside of school hours, and the use of the Rugby pitch on Saturday mornings from September to June, and on certain evenings in Summer months, as well as for Easter and Summer Camps. Notwithstanding the above, the Applicant indicates that Clontarf GAA have a licence to use the GAA pitch only, on Saturday mornings and Sunday afternoons.

Clontarf Rugby state that (until access was terminated) they used two pitches in St. Pauls for many years, for four age groups, on Sunday mornings. They use their own premises at Castle Avenue for other teams at that time. Notwithstanding the above, the Applicant indicates that Clontarf Rugby have a licence to use one pitch only, on Saturday afternoons and Sunday mornings until 11.30.

Raheny GAA and Raheny United also made observations indicating that they use pitches in Saint Anne's Park that are over-used with games played back to back on weekends with no spare capacity.

The applicant has not demonstrated to the satisfaction of the planning authority that 2 no. all-weather playing pitches proposed under plan ref.3777/17 will be able to cater for the existing use of 7 no. playing pitches (including 1 no. synthetic pitch) or any necessary expansion of such use.

Taking the above into account, it is considered that the proposed residential development is not located on institutional lands which are surplus to requirements as it has not been adequately demonstrated that the proposal secures the retention of the main community uses on the lands including space for any necessary expansion of such uses.

The Z15 zoning objective indicates that the masterplan shall provide for the identification of 25% of the lands for open space and / or community facilities. The current proposal has a stated site area of 6.4 ha on the application form. The submitted open space provision drawing indicates that the area within the red line boundary is 6.4 ha, however, the development site area is 6.11 ha. The discrepancy appears to relate primarily to a rectangular piece of land located to the west of the proposed houses which is within the red line site boundary for both the current SHD application and the concurrent application for sports facilities under plan ref. 3777/17.

It is noted that the Planning Inspectors report (ABP ref. PL29N.235606) for a proposal on institutional lands at Chanel College including extensive school / club pitches and residential development indicated that it was appropriate that the requirement for 25% of the site area as open space would relate to the residential area of the site (i.e. the 25% open space requirement was over and above that provided by the school / club pitches now proposed under concurrent application plan ref 3777/17).

An extract from the submitted Open Space Provision drawing is provided below:

REQUIRED:

Site area =	61,121 m ²
25% of 61,193 =	15,280 m ²

PUBLIC OPEN SPACE PROVIDED:

P1 EAST =	5,090 m ²	
P2 WEST =	5,617 m ²	
P3 CONNECTION =	2,220 m ²	
P4 TRIM TRAIL =	1,478 m ²	
P5 SOUTH=	744 M ²	
	15,149 m ²	24.7 %

The submitted information indicates that the proposal provides 24.7% public open space. It is considered that P1 East will function as genuine public open space. There is some concern that P2 West may function more as communal open space given its location, shape, lack of active use (e.g. playground) and the proximity of apartment buildings which are up to 8 storeys high. Furthermore, it is noted that part of the open space is a bin marshalling area. It is considered that P3 and P4 are landscape buffer zones and will not function as genuine public open space. Whilst P5 (stated area 744 sq.m) is also akin to a landscape buffer zone, it is proposed that it be taken in charge and it may in effect become a modest addition to the public open space in St. Anne's Park. Taking the above into account and on balance considering that P2 West will function as public open space, it is considered that the proposal provides for 18.7% public open space.

This represents 18.7% of the 6.11 ha development site area. This is a significant shortfall in terms of meeting the 25% requirement and it is not clear from the submitted information what if any site characteristics necessitated splitting up the provision of the proposed public open space.

The submitted information indicates that facilities such as the gym, cinema, Wi-Fi zone, games room and hot desks provided with the residential development will be made available to the community on a managed basis. Notwithstanding the above, it is considered that the 'community rooms', gym and crèche within the apartment block complex will primarily serve the proposed development and do not constitute community facilities that would compensate for the shortfall in public open space.

In this context, it is considered that the proposed development does not comply with the Z15 zoning objective requirement in relation to the provision of 25% open space and / or community facilities. Notwithstanding the above, should the Bord be minded to grant permission, the planning authority would recommend that a contribution in lieu of public open space be attached to any permission. Development on the lands of the former St. Paul's swimming pool is an example where such a contribution was used (see ABP ref. PL29N.246250).

It is considered that the masterplan could have made a more significant contribution to the creation of linkages with the extensive strategic green network in the area. For instance, this could include: the potential for heavily planted and landscaped primarily pedestrian / cycle routes traversing the site to provide links across St. Anne's Park and

the creation of a more substantial area of public open space which could better protect and enhance the setting of the adjacent protected structure at Sybil Hill House and the amenities of the Meadows Estate (with the greater separation distance mitigating the impact of any transition in scale of development). Measures such as those outlined above would do more to retain the essential open character of the institutional lands and do more to integrate the proposal with Sybil Hill house as envisaged under the Z15 zoning objective.

The submitted masterplan indicates that the area covered by the original St. Pauls campus is less than 12 ha. This consists of the 0.68 ha former swimming pool site currently being developed by MKN Development Ltd under ABP ref. PL29N.246250, the 6.16 ha Marlet lands (current application site), 1.45 ha Vincentian Order lands (Sybil Hill House and grounds north of the access road), and 3.59 ha St. Paul's school complex and remaining playing pitches. Therefore, the current Strategic Housing Development proposal taken together with the MKN development would result in the primary use of these lands changing from institutional to residential use.

Taking all of the above into account, it is considered that the proposal does not accord with and assist in securing the aims of the Z15 zoning objective 'To protect and provide for institutional and community uses'.

Biodiversity

The Dublin City Development Plan 2016-2022 recognises that Dublin Bay contains three internationally recognized biodiversity designations and that it has recently been awarded a UNESCO biosphere designation. The development plan contains a number of relevant policies and objectives including GI2, GI23, GI24 and GIO23.

The former DEHLG issued guidelines on the 'Appropriate Assessment of Plans and Projects in Ireland'. The guidelines indicate that it is important that a Natura Impact Statement applies the precautionary principle and the focus of the statement should be on demonstrating objectively, with supporting evidence, that there will be no adverse effects on the integrity of the Natura 2000 site. Where this cannot be demonstrated, adverse effects must be assumed and the Statement must reflect that. The guidelines clarify that the precautionary principle is a principle underlying the concept of sustainable development, which implies that prudent action be taken to protect the environment even in the absence of scientific certainty.

The submitted information indicates that:

- a wetland is considered to be of international importance if it regularly supports 1% of the relevant international population. In the case of Brent geese, this 1% is 400 birds
- St. Paul's is considered to be one of 15 sites of major importance for light-bellied Brent geese (i.e. 401+ birds)
- During surveys undertaken in January-March 2017, the highest peak count was recorded at St. Paul's (i.e. 1,530 birds)
- During surveys undertaken in January-March 2016, St. Paul's had the second highest peak count (i.e. 820 birds)
- Based on all available data, eight sites have been considered to be of major importance for light bellied Brent geese (i.e. a peak count of 401+ birds) over the last five consecutive seasons. These sites, which include St. Paul's, may be described as the most important ex-situ sites within the existing network of known inland feeding sites
- The level of usage of the sites varied and the sites visited varied from season to season

- There are potentially 161 no. available inland foraging sites and 81% of these sites are zoned as open space / green network / amenity lands
- there would be no impact on the population trend of this Special Conservation Interest species at any of the relevant European sites having regard to the "population trend" and "distribution" conservation objectives
- The protective policies and objectives applied by the planning authorities, ensure that the overall potential network of inland feeding habitat for Brent geese, which encompasses a total of 150 sites (i.e. 124 known and 26 potential inland feeding sites) in the Dublin area, will be maintained. The availability of these potential sites would ensure that there will be adequate capacity in the potential network to absorb the loss of St. Paul's in-combination with the potential loss of the other 11 inland feeding habitat sites
- The loss of the St Paul's foraging lands will have no significant impact on the foraging range or the number of Brent Geese arriving at the North Bull Island SPA
- Other Special Conservation Interest species were observed feeding on the proposed development site as follows: black-headed gull (maximum of 69 birds); black-tailed godwit (maximum of 400 birds); curlew (maximum of 86 birds) and oystercatcher (maximum of 58 birds). The season peak counts of the above species were below the threshold of international importance
- The removal of potential bat roost trees and other vegetation utilised by bats for foraging and commuting would result in a permanent, significant negative impact on bat species at a local level
- A number of mitigation measures are proposed to reduce the potential impact on bats such as directional lighting, low lighting levels and columns, the section felling of trees under the supervision of an ecologist, and the installation of three bat boxes on mature trees

The observation from the Clontarf Residents Association indicates that: the thresholds for national importance are lower than international importance; the count of 400 black-tailed godwit is more than double the national significance threshold of 190 birds for this amber listed species which is a species of conservation interest at the North Bull Island SPA; and bats deserve a level of consideration beyond the removal of their roosting sites and replacement with man-made boxes given that they are a protected species that are sensitive to habitat disturbance as well as noise and light disturbance.

The observation from An Taisce indicates that: 96% of the ringed birds (Brent geese) recorded at St. Paul's were also sighted within North Bull Island SPA; the proposed development would certainly result in the loss of one of the most important ex-situ feeding sites located within the network; the loss of St. Paul's as a feeding site has the potential to result in a reduction in Brent geese numbers within the SPA and therefore adversely affect the achievement of the conservation objective "to maintain the favourable conservation condition"; the impacts on the SPA and Brent geese population in the submitted NIS have not been adequately assessed and do not appear to be scientifically founded; European Court Judgements provide that complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the SPA and the competent authority will have to refuse permission where doubt remains as to the absence of adverse effects; and the variance in the number of site visits in each year mean that it is not appropriate to determine whether the geese are opportunistic as opposed to loyal to specific sites within the network.

The observation from the Department of Culture, Heritage and the Gaeltacht indicates that: the main concern with regard to this proposed development is ex-situ impacts on

light-bellied Brent geese; there is a potential ex-situ impact on Malahide Estuary SPA, Rogerstown Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Baldoyle Bay SPA and North Bull Island SPA; significant habitat change or increased levels of disturbance within areas outside of the SPA but ecologically connected to it could result in the displacement of one or more of the listed water bird species from areas within the SPA, and/or a reduction in their numbers; Brent geese have begun to rely on feeding in Dublin's amenity grasslands and agricultural fields; a grant of permission would reduce both the quantity and quality of the feeding resources for Brent geese at St. Paul's to a significant degree, Brent goose population listed for North Dublin Bay SPA is now reliant, to a large degree on the availability of suitable grassland feeding resources within the Dublin area outside of the SPA network; the extent of potentially suitable feeding areas within Dublin City is finite; feeding sites listed in the NIS may be currently experiencing pressures that may limit their capacity to accommodate the loss of the application site; assessment of cumulative impacts are important and replacing grass sports fields with all-weather pitches, or providing new all-weather pitches will also result in a loss of Brent geese feeding habitat.

The DCC Parks and Landscape Services report indicates that:

- St. Paul's can be regarded as the most important ex-situ feeding site for Brent Geese in Dublin based on highest peak counts of Brent Geese, regularity of use, its geographical location in relation to North Bull Island, its size, and the relative lack of disturbance
- The submitted Natura Impact Statement concludes that the impacts of the proposed development will be mitigated by the availability of a network of alternative inland feeding sites (124 known sites and 25 potential sites) which have the capacity to absorb the loss of the St Paul's site, in-combination with the loss of 12 other identified sites. It states that this network of sites is subject to protective policies and objectives as outlined in Appendix F of the report
- If mitigation measures are insufficient, or are not actually practicable and achievable to avoid the risk entirely, then, in the light of a negative assessment, the plan or project may not proceed
- There is no indication that the applicant has control over the management of the sites within the proposed network of alternative inland feeding sites, which comprises lands in both public and private ownership, with varying land-use zonings, and located in different local authority areas
- The report also notes that thirty of the sites (as of July 2017) have planning permissions granted or pending, and it is conceivable in the context of the current economic climate, that this number is likely to rise, increasing developmental pressure on the network
- It is contradictory to suggest that the policies and objectives as outlined in Appendix F of the report can ensure the protection of the network of alternative feeding sites for Brent geese, but not the current SHD application site that is also subject to the same policies and objectives
- The proposed development is likely to result in significant impacts. In this regard, the proposed mitigation (i.e. the capacity of the network of alternative feeding sites to absorb the loss of St Paul's) is questionable in terms of its achievability
- In such an event, the remaining available options, under the relevant regulations, are to identify and provide suitable compensatory habitat, or not to proceed with the development

Taking the above into account and applying the precautionary principle, the Planning Authority is not satisfied that the proposed development would maintain the favourable conservation condition of light-bellied Brent geese and would not adversely affect the integrity of the North Bull Island Special Protection Area.

Design and Impact on Amenities

The proposed development includes the provision of: 536 no. residential units (104 no. houses and 432 no. apartments); 434 no. car parking spaces and 864 no. bicycle parking spaces at basement level and 200 no. car parking spaces at ground level. The proposed density is 87.7 uph.

The proposed apartments are in 6 no. blocks on the northern section of the site. There are four centrally located pavilion blocks each served by a single core with two atrium blocks, one at the eastern end (block 1) and the other at the western end (block 6). The atrium blocks contain additional facilities such as hot desks, cinema and games room in block 1 and a crèche in block 6.

The proposed buildings range between 3 to 8 storeys in height. The houses are 3 storeys, the apartments immediately to the north of the proposed main east-west access route are 5 storeys (block 1 (southern element), block 3, block 5 and block 6), the middle element of block 1 is 7 storeys, and three of the apartment blocks along the northern boundary with St. Anne's park are 8 storeys (block 1 (northern element), block 2 and block 4). The separation distance between apartment blocks is c.28m and all apartments have green roofs. The submitted information indicates that the Part V social housing requirement of 54 units (10%) will be provided across apartment blocks 2, 3, 4 and 5.

The houses will be laid out in four courtyard perimeter blocks to the south east of the proposed apartments / main access road. The houses comprise 96 no. terraced 3-bedroom units and 8 no. detached 4-bedroom units, all 3-storey in height with associated terraces including roof terraces. House type B and house type D are designed to turn a corner without providing a significant gable onto the street. Turning a corner in this way makes efficient use of space and enhances passive surveillance and those units will have upper floor terraces rather than ground level rear gardens as their primary private open space.

The submitted documentation indicates that the terraces in the houses have been designed to eliminate overlooking. The details of this screening should be subject to condition should permission be granted for development. The directly opposing rear separation within the perimeter blocks is c.26m or more.

A somewhat unusual aspect of the proposed housing is that the open space to the rear of the houses is split between private open space and a communal open space in the centre of the perimeter block. Most of the houses have direct access onto the communal open space, however there are a number of entrances from the street. The detailed design of these street entrances should be subject to condition to ensure the courtyards provide an appropriate level of safety and security and are only accessible to those occupying the houses. It is considered reasonable in this case to met the development plan private open space requirement for the houses in the form of private gardens combined with communal open space.

Car parking is provided at a rate of 1.5 spaces per house unit. It is considered that a condition should be attached to any permission granted reducing the level of on-street car parking for the proposed houses in order to enhance the streetscape by providing more landscaping and provide for a more sustainable development. In this regard, it is noted that the maximum car parking standard for this area is 1 space per dwelling (zone 2).

The proposed development provides 536 no. residential units including 432 no. apartments and 104 no. houses. The unit mix within the apartment element of the development only is 1 bed (36% = 155 units), 2 bed (56% = 244 units) and 3 bed (8% = 33 units). However, the proposed unit mix is considered to be acceptable and in accordance with development plan standards as the overall unit mix including the

apartments and the houses is stated to be: 1 bed (29% = 155 units), 2 bed (46% = 244 units), 3 bed (24% = 129 units) and 4 bed (6% = 8 units).

The submitted Daylight Sunlight Assessment indicates that the assessment was carried out in accordance with the BRE Guidelines and that excellent levels of daylight and sunlight will be achieved across the entire development. It is noted that a small number of apartment are below BRE guidelines for daylight factor, but this based on a worst case scenario and many of these rooms are bedrooms serviced by an external balcony.

Subject to potential conditions outlined in this report, it is considered that the design of the proposal would generally provide for high quality residential development for future occupants that substantially comply with development plan and national residential quality guidelines.

Section 16.7 of the development plan acknowledges the intrinsic quality of Dublin as a low-rise city and indicates that building heights of up to 16m can be considered within the outer city and up to 24m within 500m of a rail hub including DART stations. The 16m limit applies to most of the site as it is located in the outer city, however, the 24m limit applies to north-west corner of the site as it is located within 500m of the Harmonstown DART station.

The submitted '500 metre distance to DART station transport hub' drawing shows the extent of the application site within 500m of Harmonstown DART station. The northern 8 storey element of block 1 is wholly within the 500m boundary. The middle 7 storey element of block 1 and block 2 are substantially within the 500m boundary whereas block 4 is substantially outside the 500m boundary. In this context, it is considered that a condition should be attached to any permission granted reducing the height of block 4 to a maximum of 5 storeys in order to comply with development plan height standards.

In relation to the potential impact on the amenities of existing buildings, the submitted information states: the majority of trees will be retained with minimal removal of poor quality trees only; trees along the boundary will be retained and added to with mature trees to increase screening; block 1 is located to the east of the existing buildings with a significant separation ensuring no overshadowing; the ground floor level apartments are 2m lower than the Meadows and the penthouse level has been set back to reduce its impact.

Block 1 is located: c.38m or more from the boundary with Sybil Hill house (protected structure); c.35m or more from the boundary to the rear of the Meadows housing estate; and c.48.5m or more from the first floor rear elevation of the houses in the Meadows estate.

Development plan height standards do not allow for potential buildings above 5 storeys on most of the site. The higher northern part of the proposed development will be visible from outside the site and within St. Anne's park as shown by the submitted photomontages.

On balance, it is considered that the proposed height, mass and scale is acceptable and would not be visually obtrusive and would not significantly detract from the amenities or setting of adjacent property including St. Anne's Park or the protected structure in terms of overlooking, overshadowing or overbearing having regard to: the need to provide high density residential development as outlined in the development plan; the submitted conservation impact statement; the separation distances between block 1 and the Meadows estate; the existing mature planting and proposed new planting which will screen the development; the submitted shadow analysis showing no appreciable shadowing of the properties at the Meadows; design features to reduce potential impact such as lowering of the ground level of block 1 and set back penthouse level; and the

example given of Herbert Park where substantial apartment development is successfully located close to an established public park.

The proposal allows for potential access points between the development site and St. Anne's Park along the northern and eastern boundaries. It is unclear what the proposed arrangements are in relation to control of this access, potential opening hours etc. Having regard to a previous case whereby access from the development at Mount Saint Anne's to the adjacent Luas station was restricted to residents only, it would be appropriate to apply a condition promoting permeability by avoiding the potential for each access to become privatised with resident only access.

Other Issues / Third Party Observations

Statutory Requirements

The proposal appears to have complied with the statutory requirements relating to Strategic Housing Development and it is understood that the Applicant has sufficient legal interest in the lands to make the application. The St. Paul's playing fields are not in DCC ownership as the land was sold to the Vincentians in three separate transactions in 1952, 1953 and 1959 without restrictive covenants. Unfortunately, a map lodged with the first registration of the DCC lands at St. Anne's Park with the Land Registry (PRAI) was incorrect as it included the St. Paul's playing fields that had been sold to the Vincentians in the 1950's. The mapping error has now been rectified with the Land Registry (PRAI).

It is noted that the Development Management Guidelines 2007 indicate that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land and section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.

Project Splitting

Part of the existing school pitches located immediately to the east (rear) of the college buildings are outside the SHD site boundary but form part of a separate concurrent application to upgrade sports facilities under plan ref. 3777/17. Some third party observations have indicated that there is 'project splitting' with the submission of separate applications for predominantly residential development under SHD0003/17 and for predominantly sports related facilities under plan ref. 3777/17.

It is acknowledged that the two sites are immediately adjacent to each other and form part of the same Z15 lands, however, it is considered that the proposal does not constitute 'project splitting' as: the two sites are in separate ownership; an EIAR and a NIS has been submitted under SHD0003/17; and the EIAR has considered the cumulative impacts of both proposals including for example the potential for cumulative impacts on bats to arise due to lighting during the operational stage of the proposed development which may act in-combination with lighting for the proposed sports complex and the traffic impacts due to the sports hall and all weather pitches have been included in the future year traffic assessment.

Light and Noise Pollution

The submitted EIAR indicates that the predicted light levels along the southern and eastern boundaries (i.e. where a high level of foraging bat activity was recorded) are less

than 1 lux and that any interactions on noise are neutral subject to appropriate mitigation measures such as the selection of quiet plant, noise control at source and screening.

Drainage Issues

As outlined above, the report from the DCC Drainage Division raised no objection subject to conditions including the agreement of details to avoid scouring the Naniken river channel, an infiltration assessment / percolation test and details of measures proposed to alleviate any risk of additional pollution load to this water body.

Traffic / Permeability Issues

As outlined above, the report of the DCC Roads and Traffic Planning Division indicates that the proposed increase in traffic levels can be accommodated on the existing road network. No objection is raised subject to conditions including the relocation southwards of the existing signalised pedestrian crossing adjacent to the proposed new access junction, the provision of a new pedestrian crossing to the north of the access junction, and for the proposal to be designed in accordance with the Design Manual for Urban Roads and Streets.

The report is supportive of the proposed pedestrian links which have been designed having regard for the National Transport Authority document Best Practice Guide on Permeability (2015) as they are important for safe access to St. Anne's Park but also are important for permeability and reducing walking times from the development to bus facilities along the Howth Road and to Harmonstown Dart Station.

Conclusion

It is considered that the current proposal does not comply with the Z15 Institutional land use zoning objective insofar as it has not been demonstrated to the satisfaction of the Planning Authority that the community uses established on site prior to the lands being sold for development are being fully accommodated, nor has sufficient open space been retained on site to provide 25% public open space in a manner which maintains the essential open character of the lands as outlined in the zoning objective.

Furthermore, it has not been demonstrated to the satisfaction of the Planning Authority that the St. Paul's lands can be developed without having an adverse impact on Brent geese due to the loss of habitat and the failure to provide compensatory habitat given that the St. Paul's lands constitute the most important ex-situ site in the Dublin area for this protected species.

In principle, subject to the satisfactory resolution of the zoning objective and biodiversity issues, the Planning Authority is not opposed to the delivery of a high density residential development on part of the St. Paul's lands. Depending on establishing more accurately the level of community use, this may be achieved by providing additional playing pitches on the lands currently allocated to the construction of 104 no. houses in the current SHD application. It may be appropriate to design such facilities as drained grass pitches that would meet both the community recreation needs and assist in retaining suitable habitat for Brent geese provided it can be demonstrated that the raised level of adjacent activity would not deter the use of the site. Additional compensatory habitat may also be required.

In relation to higher building blocks, it is the opinion of the Planning Authority that it would be preferable to position higher building towards the centre of the site subject to careful design to ensure the buildings would not detract from sensitive views along the avenue within St. Anne's park etc. The proposed alternative layout as outlined above together with a focus on providing most if not all public open space in the north west corner of the site would reduce the transition in scale and the potential impact on the amenities and setting of Sybil Hill house, the Meadows housing estate and St. Anne's park.

Recommendation / Opinion

The proposed development is not considered to be consistent with the Dublin City Development Plan 2016-2022 and with the proper planning and sustainable development of the area. The Planning Authority submits this report to An Bord Pleanála in accordance with the requirements of Section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and recommends that An Bord Pleanála refuse permission for the proposed development for the reasons and considerations outlined below. In the event that An Bord Pleanála is minded to grant permission, the Planning Authority request that the conditions attached to this report are applied to the permission granted.

Reasons and Considerations

1. The proposed development does not comply with the Z15 zoning objective requirement as it has not been adequately demonstrated that the proposal secures the retention of the main community uses on the lands including space for any necessary expansion of such uses or the retention of the existing functional open space. Furthermore, the proposed development does not comply with the Z15 zoning objective requirement in relation to the provision of 25% open space and/or community facilities and insufficient measures have been taken to retain the essential open character of the institutional lands. The proposed development would result in the primary use of these lands changing from institutional to residential use. The proposed development would therefore, contravene materially a development objective indicated in the development plan for the zoning of land 'To protect and provide for institutional and community uses', be contrary to the provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.

2. The application site has provided feeding resources for groups of Brent geese of international importance over the past five wintering seasons. It is considered to be the most important ex-situ feeding site for Brent Geese in Dublin based on the highest peak counts of Brent geese, regularity of use, size, relative lack of disturbance and geographical location in relation to the North Bull Island Special Protection Area. The proposed development is likely to result in significant impacts and the proposed mitigation which relies on the capacity of the network of alternative feeding sites to absorb the loss of the St Paul's lands is questionable in terms of its achievability. Therefore, applying the precautionary principle, the Planning Authority is not satisfied that the proposed development would maintain the favourable conservation condition of light-bellied Brent goose and would not adversely affect the integrity of the North Bull Island Special Protection Area contrary to the provisions of the Dublin City Development Plan 2016-2022 and contrary to the proper planning and sustainable development of the area.

Potential Conditions

Notwithstanding the Planning Authority recommendation to refuse permission, should the Bord be minded to grant permission, it is recommended that conditions addressing the following issues be attached to any permission granted.

Standard conditions relating to S.48 financial contributions, bonds, details of materials and finishes, public lighting, taking in charge, Irish Water connection, hours of work, waste management and Part V.

Condition requiring development to be implemented within a five year period. Reason: In order to encourage the provision of housing in a timely manner.

Condition requiring permission for replacement sports facilities will have been secured and implemented prior to the commencement of development. Reason: To ensure appropriate facilities are provided for the school.

Condition requiring the proposed 104 no. houses be omitted and replaced with drained grass pitches available for community groups and managed in way that would provide a suitable habitat for Brent geese. Reason: To provide facilities for community groups and feeding resources for Brent geese, and / or

Condition requiring a financial contribution towards the acquisition and/or development of lands for active recreation to cater for the football clubs affected by the development. The lands to be acquired will be within reasonable distance from the application site. Reason: To provide facilities for community groups.

Condition agreeing the opening hours of the access points between the development site and St. Anne's Park reflect the opening hours of St. Anne's Park. Reason: To enhance permeability.

Condition reducing the height of block 4 to a maximum of 5 storeys. Reason: In order to comply with development plan height standards.

Condition reducing the level of on-street car parking for the proposed houses. Reason: In order to enhance the streetscape by providing more landscaping and provide for a more sustainable development.

Condition requiring the detailed design of entrances from the street to the communal open spaces behind the houses to be agreed. Reason: To ensure the courtyards provide an appropriate level of safety and security and are only accessible to those occupying the houses.

Condition requiring the details of upper floor terrace screening in the housing element of the development to be agreed. Reason: To protect future residential amenity by avoid undue overlooking.

Surface Water.

There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads) and to the following conditions;

The surface water outfall pipe and headwall details to the Naniken River shall be agreed

in writing with DCC Drainage Division prior to any works commencing on site. The detail submitted in this application is not adequate to cater for concerns raised by DCC Drainage in relation to the scouring of the river channel or river banks and must be revised to the satisfaction of DCC, Drainage Division prior to commencing on site.

A construction method statement for the Surface water outfall to the Naniken River shall be submitted for written approval of DCC Drainage Division prior to construction works commencing on site

A connection from this development to the Naniken River will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. The developer is not permitted to connect to a watercourse without written permission from the Drainage Division. Any unauthorised outfall shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow any outfall works to be carried out.

Design and construction of any infiltration system must comply with the requirements of BRE Digest 365 and CIRIA C522. A infiltration assessment/percolation test to be carried out and assessment of winter groundwater levels for the site by a professional hydrogeologist to be submitted for written approval by DCC Drainage Division prior to any works commencing on site. This report must include assessment of the potential impact for the water quality of the Naniken River and the detail the sustainable measures proposed to alleviate any risk of additional pollution load to this water body.

A maintenance plan for the proposed SuDS system shall be submitted for written approval of DCC drainage division prior to construction works commencing on site.

The surface water outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.

All surface water discharge from this development must be attenuated to ensure that the maximum discharge from this site is two litres per second per hectare.

Permanent discharge of groundwater to the drainage network is not permitted.

The development is to be drained on a completely separate foul and surface water system.

The developer shall limit surface water discharge from site in accordance with the requirements of the Drainage Division as set out in the Greater Dublin Strategic Drainage Study's "Technical Document on New Development".

The development shall incorporate Sustainable Drainage Systems in the management of storm water. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.

Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the development works on site.

An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

Dublin City Council's Drainage records are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of the public drainage network; in both hard and soft copy in an approved format; are to be submitted by the Developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.

All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: To ensure a satisfactory standard of development.

Traffic Division

The existing signalised pedestrian crossing adjacent to the proposed new access junction shall be relocated southwards to provide for stacking space for vehicles turning left from the entrance of the proposed development. This is necessary to ensure that drivers have clear visibility of the signals. In addition a new pedestrian crossing shall be provided to the north of the access junction and the road surface linking the two pedestrian crossings shall be a raised table or other traffic calming measure. Prior to commencement of development the exact details of the new crossing, relocated crossing and traffic calming measures shall be agreed in writing with the Environment and Transportation Department. The applicant shall be responsible for all costs associated with these works.

The road layout and junction arrangements throughout the proposal are to be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) in the context of ensuring speeds of 30km per hour throughout the residential development

All roads, footpaths and other hard paved areas shall be constructed in accordance with 'Construction Standards for Road and Street Works in Dublin City Council, 2015'

Cycle parking should be of the Sheffield stand variety to provide good security and reduce the risk of damage to wheels.

Reason: To ensure a satisfactory standard of development.

Contribution in Lieu of Public Open Space

The developer shall pay the sum of €2,520 per residential unit to the planning authority as a contribution under section 48 of the Planning and Development Act 2000 (as amended) and the Dublin City Development Plan, in lieu of the provision of public open space. This contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate.

Reason: For the provision of improvements or enhancement of existing amenities in the local area given the 6.3% shortfall in public open space provision and the standard contribution of €4,000 per unit in lieu of 10% public open space.

Drainage Pipe within St Anne's Park

Development shall not commence until the finalised alignment and details of the surface water pipe are agreed in writing with the Planning Authority. The design and construction of the pipe will minimise impact on existing tree root zones and will include on-site supervision by a qualified Arboriculturist employed by the developer and reporting to the Planning Authority. Following construction the alignment will be landscaped in accordance with the approved landscape scheme.

Reason: To ensure a satisfactory standard of development.

Drainage Outfall at Naniken River

Development shall not commence until requirements for demolition and reconstruction of the bridge with proposed drainage pipe outfall at the Naniken River are agreed with the Planning Authority. During the works a temporary river crossing bridge and temporary link paths, will be installed and maintained by the developer. The design of the reconstructed bridge will be of a traditional estate bridge style, including stone facing, surfacing and ironwork railings to the approval of the Planning Authority. The reconstructed bridge will be subject to an 18 month defects liability period.

Reason: To ensure a satisfactory standard of development.

Landscape Scheme to be Submitted

Development shall not commence until a landscape scheme prepared by a qualified Landscape Architect, comprising (a) full details of the size, species and location of all trees and shrubs etc. to be planted (b) the treatment of all external ground surfaces (c) boundary treatments, park entrances and link paths to St Anne's Park paths, has been submitted to and agreed in writing by the Planning Authority (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: in the interests of amenity, ecology and sustainable development

Landscape Scheme to be Implemented

The approved landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development or each phase of the development, and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: in the interests of amenity, ecology and sustainable development

Tree Protection

All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. There will be no impact on trees within St Anne's Park

without the written approval of the Planning Authority (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: In the interest of amenity, ecology and sustainable development.

Tree Bond

A security bond to the value of €100,000 (one hundred thousand euro) shall be lodged with the Planning Authority, prior to commencement of development, as security to ensure the appropriate protection and preservation of the trees on the development site and St Anne's Park. The form of the security bond shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

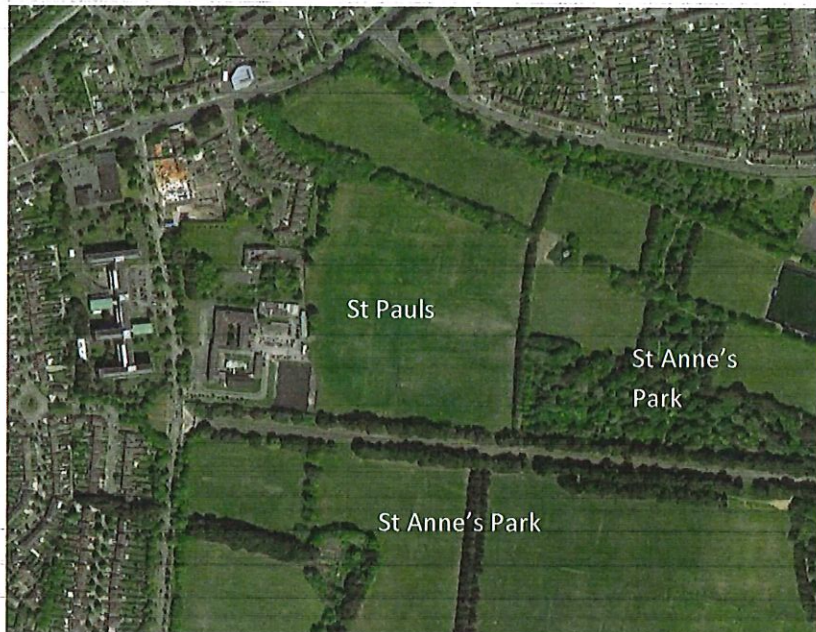
Reason: In the interest of amenity, ecology and sustainable development.


26/02/18

A. G. W. G. - Deputy City Planner
26/2/18

ABP Case No: 300559 St Pauls College, Raheny. Applicant: Crekav Trading Ltd
Comments to ABP by DCC Parks & Landscape Services

Feb 15th 2018



- Aerial photograph over St Pauls and St Anne's park.

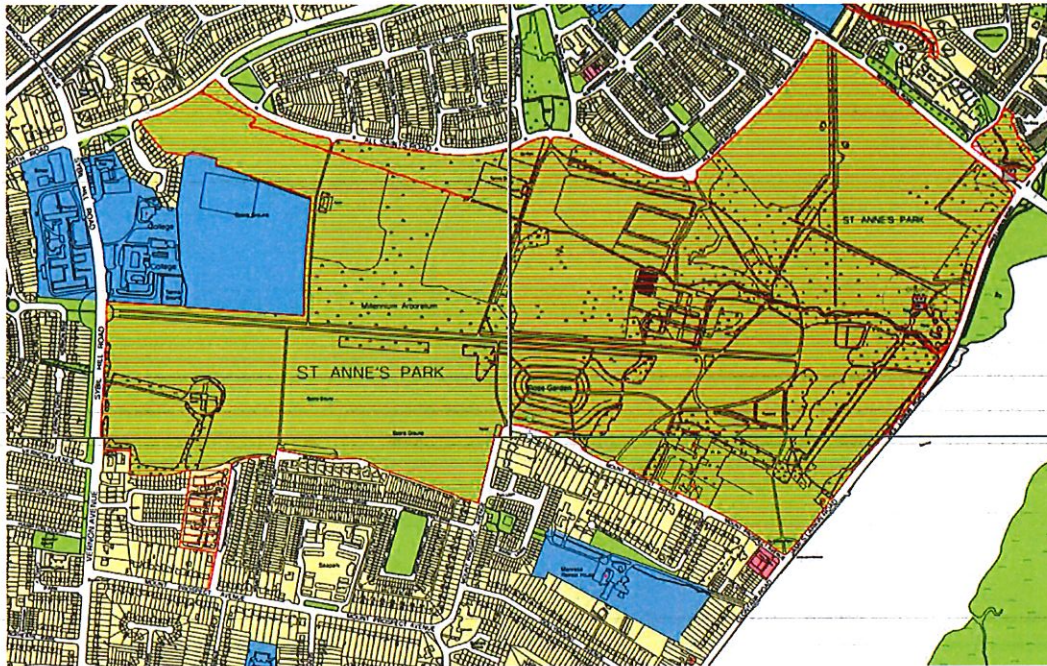


- Applicant's Proposed Master Landscape Plan

1.Introduction

The application proposes the residential development of St Paul's school grounds and in particular the playing fields to the rear of the school which lie adjacent to St Anne's Park. St Anne's Park is a Flagship Park, Zoned Z9 with the Specific Objective of a Conservation Area in the Dublin City Development Plan. The application site was originally part of the St Anne's estate. The site is zoned Z15 Institutional & Community with the objective: To protect and provide for institutional and community uses and to ensure that existing amenities are protected.

2. Conservation Area



- Development Plan Zoning maps (Red hatched area is the Conservation Area)

St Anne's Park is a Conservation Area and the Dublin City Development Plan policy for this is:

CHC4: To Protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Development will not:

- 1.Harm Buildings, Spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*
- 2.Involve the loss of traditional, historic or important building forms, features and detailing including roof-scapes, shopfronts, doors, windows and other decorative detail*
- 3.Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors.*
- 4.Harm the setting of a Conservation Area*
- 5.Constitute a visually obtrusive or dominant form*

In section 11.1.5.6 , Conservation Area-Policy Application it is stated:

Development outside Conservation Areas can also have an impact on their setting. Where development affects the setting of a Conservation Area, an assessment of its impact on the character and appearance of the area will be required. It should be recognised that this setting can be expansive and development some distance away can have an impact. Any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City council will encourage change which enhances the setting of Conservation Areas.

In view of the immediate proximity of the development to the St Anne's Park Conservation Area all aspects of the development's impact on the character and appearance of St Anne's require consideration by ABP.

3.Key issues

The site was the subject of a previous withdrawn planning application and subject to ABP pre-application discussions.

The key issues arising are:

- Relationship to St Anne's Park
- Provision of Public Open Space
- Loss of ex-situ bird feeding site
- Community use of pitches

4. Relationship to St Anne's Park

4.1 Area of Conflict

An Area of Conflict has been noted by the PRA on the northern boundary of the application site and St Anne's Park. The issue has been discussed following the pre-application meeting with the Applicant and it is their intention to resolve the issue with an appropriate land exchange subject to City Council approval. This is considered satisfactory for this current application.

4.2 Trees.

The applicant has responded to potential impact on trees within St Anne's park along the southern boundary of the site where proposed swales have been removed and an open space strip to be taken in charge has been included under this application.

4.3 Drainage outfall to the Naniken River

This issue has been discussed following the ABP pre-application meeting. A satisfactory alignment of the proposed drainage pipe has been achieved. The implementation will require approval of details of construction and finish.

4.4 Setting of the Conservation Area

St Anne's Park has an existing visual character of great quality , which contributes to its popularity as one of Dublin's premier destination parks and its designation as a Conservation Area. The characteristics are created by the expanse of the park, the maturity of its tree planting and the lack

of visual intrusion from suburban Dublin that surrounds it. The following sequence of views illustrates this character.

Views A, B & C from in front of the site of the former St Anne's mansion :



View A, Long range views are available westwards down the avenue. There is no visual intrusion from the surrounding suburbs.

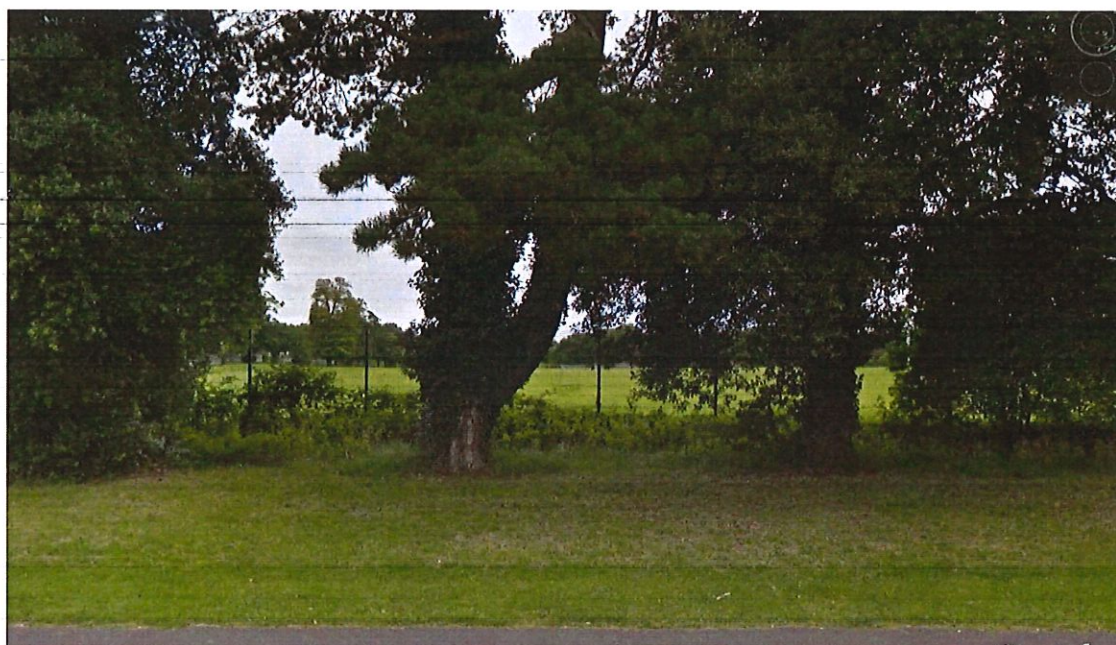


View B, Short range views are available to the north. There is no visual intrusion from the surrounding suburbs.



View C, Short range views are available to the south. There is no visual intrusion from the surrounding suburbs.

Views D, E & F from St Anne's Park avenue



View D, Filtered view from avenue to St Paul's playing fields. There is no visual intrusion from the surrounding suburbs.

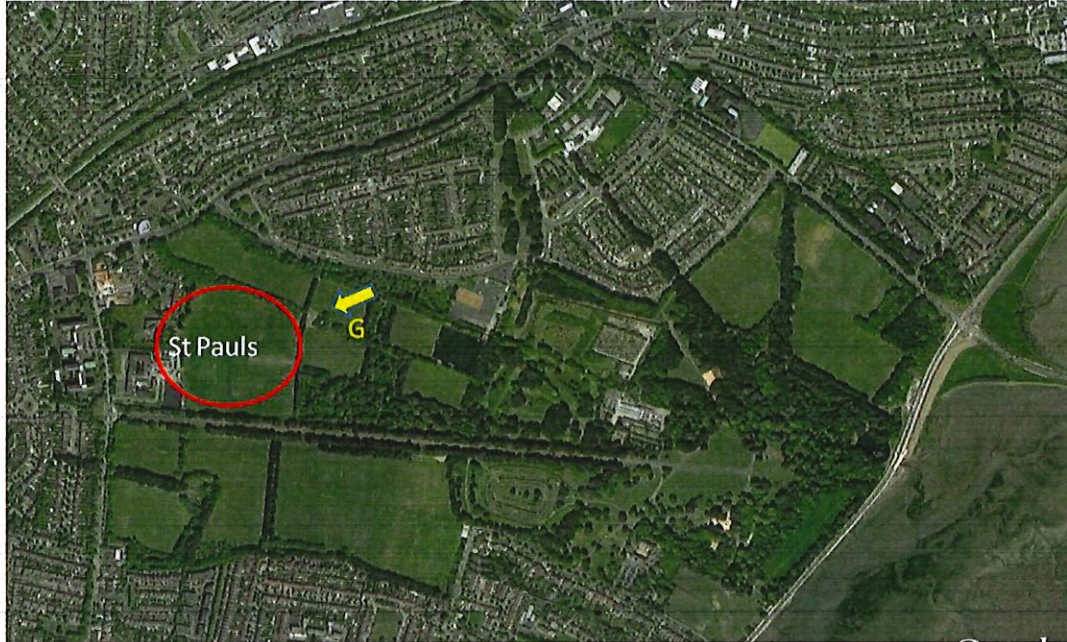


View E, Long range directed view eastwards to the site of the former mansion. There is no visual intrusion from the surrounding suburbs.



View F, Open view southwards over playing pitches. There is no visual intrusion from the surrounding suburbs.

Close range view towards St Pauls from path alongside at Naniken River



View G, Short range views over pitch to boundary of St Pauls. There is no visual intrusion from the surrounding suburbs.

The proposed development lies immediately adjacent to St Anne's. While there are existing well established boundary tree plantations on three sides, which will contribute to screening, it is the dominance of the proposed development form and its relationship to the setting of St Anne's Conservation Area that should be considered by ABP.

Mitigation measures of dominance of form of development include:

- Effective on site landscaping of the development
- Façade colours that blend with the existing park edge colouration
- Façade materials that are non—reflective and prevent glare
- Vertical greening of building facades, including built-in balcony planters.

Parks and Landscape Services strongly recommend that these mitigation measures should be requirements of any development at St Pauls.

5. Provision of Public Open Space

Proposed public open space consisting of a kick-about space and play area /drainage attenuation area is included in the application's proposals on the northeast of the site (A) and along the western boundary (B), which includes more passive facilities acting as a buffer to the existing Meadows residential area. There is also a strip of open space proposed on the southern boundary (C) adjacent to the St Anne's Park avenue.



Lands that are zoned Z15 require the provision of 25% public open space and /or community facilities. The lands in this particular application however lie directly beside St Anne's public park on three sides of the application site and therefore an abundance of public open space is readily available (within a 0 to 500m walk-in zone).

In view of this the provision of public open space in this application to the 25% standard is not necessary for public recreation. It is considered that the proposed public open space on the northeast acts primarily as a drainage attenuation reserve and on the western boundary as set back from an existing residential area and is inappropriate in arrangement, size and location as public open space, but satisfactory as the proposed scheme's own private/communal open space.

The lands to the southern boundary are acceptable as public open space due to the location there of the root zone of historic trees along St Anne's Park avenue and this will be taken in charge.

Parks & Landscape Services would therefore recommend to ABP that a financial contribution in lieu of the provision of public open space should be considered. Any financial contributions arising shall be invested into the improvement and enhancement of St Anne's Park (see Appendix B for current financial contribution report for St Anne's). Any provision of public open space, except for the southern boundary area (c), in this proposed development will therefore not be taken in charge and the Applicant has stated that it will be privately managed.

6. Loss of Ex-Situ Bird Feeding Site

Based on the information provided by the Scott Cawley study, the site in question (St Paul's) can be regarded as the most important ex-situ feeding site for Brent Geese in Dublin based on highest peak counts of Brent Geese, regularity of use, its geographical location in relation to North Bull Island, its size, and the relative lack of disturbance.

As per the conclusion of the submitted Screening Statement, a Stage 2 Appropriate Assessment was required due to the likely significant risks to European Sites arising from the loss of inland feeding habitat, among other potential impacts. The submitted Natura Impact Statement concludes that the impacts of the proposed development will be mitigated by the availability of a network of alternative inland feeding sites (124 known sites and 25 potential sites) which have the capacity to absorb the loss of the St Paul's site, in-combination with the loss of 12 other identified sites. It states that this network of sites is subject to protective policies and objectives as outlined in Appendix F of the report.

As per 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities', *if mitigation measures are insufficient, or are not actually practicable and achievable to avoid the risk entirely, then, in the light of a negative assessment, the plan or project may not proceed.* There is no indication that the applicant has control over the management of the sites within the proposed network of alternative inland feeding sites, which comprises lands in both public and private ownership, with varying land-use zonings, and located in different local authority areas. The report also notes that thirty of the sites (as of July 2017) have planning permissions granted or pending, and it is conceivable in the context of the current economic climate, that this number is likely to rise, increasing developmental pressure on the network. Furthermore, it is also contradictory to suggest

that the policies and objectives as outlined in Appendix F of the report can ensure the protection of the network of alternative feeding sites for Brent Geese, but not the proposed site which is also subject to the same policies and objectives.

The proposed development is likely to result in significant impacts. In this regard, the proposed mitigation (i.e. the capacity of the network of alternative feeding sites to absorb the loss of St Paul's) is questionable in terms of its achievability based on the information above.

In such an event, the remaining available options, under the relevant regulations, are to either identify and provide suitable compensatory habitat, or not to proceed with the development.

7. Community use of pitches

Z15 zoning policy states:

Where there is an existing institutional and/or community use, any proposed development for "open for consideration" uses on part of the landholding, shall be required to demonstrate to the Planning Authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands zoned Z15.

The proposed development removes all existing 6 grass playing fields thus displacing clubs and the school that were using the pitches and were an institutional & community use on the lands. The proposals in this application rely on the provision of an all-weather facility proposed to be developed at the school and subject to a separate planning application (3777/17). The ability to comply with the Z15 zoning requirements is unclear due to concerns raised in observation letters by clubs (see Appendix C). The proposed future school use of pitches would also be limited to artificial turf which is not satisfactory for all sport codes, for example, competitive schools rugby is grass based where the experience of play varies on ground conditions.

It is recommended that ABP should contact each club organisation who have or were using the pitches at St Pauls to clarify their opinion as to whether or not their use has been retained on the lands at St Pauls, so that an opinion on compliance with this zoning requirement can be formed.

Where clubs are not being retained it is recommended that new pitches/facilities may be provided by the Applicant to facilitate them.

St Anne's Park has reached its capacity limits on use of its pitches and a priority system of lettings is now in place to offer any availability to local youth players. Creation of new pitches in the park is not feasible due to finite space available and conversion to all-weather pitches and building new changing rooms will be subject to strict control due to its status as a historic Flagship park and a Conservation Area.

8. Conclusions

In conclusion, DCC Parks & Landscape Services have significant concerns arising from the proposed development application as follows:

- Inappropriate proposed public open space provision that caters for the proposed development and not public recreation.
- Complete loss of the most important ex-situ bird feeding area and unsatisfactory mitigation proposals.
- Uncertainty of provisions for existing community use of pitches and adequacy of compliance with the Z15 zoning requirement.
- Dominance of the form of the development adjacent to a Conservation Area which may adversely affect the setting of the St Anne's Conservation Area , contrary to policy of the Dublin City Development Plan.

Appendix A-Recommended Conditions

The following draft conditions are recommended to ABP

Public Open Space

The Public Open Space provision will be revised to include only lands to the south of the application site adjacent to St Anne's Park avenue, as agreed with Dublin City Council's Parks & Landscape Services. The landscape scheme will be revised to indicate this amendment and submitted for approval to the Planning Authority.

Reason: in the interests of amenity, ecology and sustainable development

Contribution in Lieu of Public Open Space

The developer shall pay the sum of €4000 per residential unit to the planning authority as a contribution under section 48 of the Planning and Development Act 2000 (as amended) and the Dublin City Development Plan, in lieu of the provision of public open space. This contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate.

Reason: For the provision of improvements or enhancement of existing amenities in the local area.

Drainage Pipe within St Anne's Park

Development shall not commence until the finalised alignment and details of the surface water pipe are agreed in writing with the Planning Authority. The design and construction of the pipe will minimise impact on existing tree root zones and will include on-site supervision by a qualified Arboriculturist employed by the developer and reporting to the Planning Authority. Following construction the alignment will be landscaped in accordance with the approved landscape scheme.

Drainage Outfall at Naniken River

Development shall not commence until requirements for demolition and reconstruction of the bridge with proposed drainage pipe outfall at the Naniken River are agreed with the Planning Authority. During the works a temporary river crossing bridge and temporary link paths, will be installed and maintained by the developer. The design of the reconstructed bridge will be of a traditional estate bridge style, including stone facing, surfacing and ironwork railings to the approval of the Planning Authority. The reconstructed bridge will be subject to an 18 month defects liability period.

Landscape Scheme to be Submitted

Development shall not commence until a landscape scheme prepared by a qualified Landscape Architect, comprising (a) full details of the size, species and location of all trees and shrubs etc. to be planted (b) the treatment of all external ground surfaces (c) boundary treatments, park entrances and link paths to St Anne's Park paths, has been submitted to and agreed in writing by the Planning Authority (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: in the interests of amenity, ecology and sustainable development

Landscape Scheme to be Implemented

The approved landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development or each phase of the development, and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: in the interests of amenity, ecology and sustainable development

Tree Protection

All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. There will be no impact on trees within St Anne's Park without the written approval of the Planning Authority (The tree protection measures shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: In the interest of amenity, ecology and sustainable development.

Tree Bond

A security bond to the value of €100,000 (one hundred thousand euro) shall be lodged with the Planning Authority, prior to commencement of development, as security to ensure the appropriate protection and preservation of the trees on the development site and St Anne's Park. The form of the security bond shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity, ecology and sustainable development.

Taking in Charge of Public Open Space

Development containing proposed public open space to be taken in charge by Dublin City Council (DCC) will require plans to be submitted prior to construction commencement to outline areas proposed to be taken in charge by DCC Parks & Landscape Services (Parks). A site inspection of areas to be taken in charge shall be arranged in writing four weeks before the proposed date of being taken in charge. Landscape proposals that do not comply with the approved scheme or have failed or are in poor condition on the opinion of Parks will result in rejection of taking in charge until the applicant presents an acceptable landscape scheme at further taking in charge inspections. No partial taking in charge will be permitted. Proposed public roads must be taken in charge prior to any public landscape areas being taken in charge. Public open space areas indicated within the development that are not accessible to maintenance by Parks & Landscape Services by public road will not be taken in charge.

Provision for Football Clubs

Prior to development the applicant is required to pay a financial contribution towards the acquisition and/or development of lands for active recreation to cater for the football clubs affected by the development. The lands to be acquired will be within reasonable distance from the application site.

Appendix B – Section 48 Financial Contribution

Section 48 Financial Contributions for St Anne's Park (2016-2020)

Introduction

St Anne's is the largest park managed by Dublin City Council and comprises of some 270 acres of what was originally a Guinness family estate. It is a historic landscape and a Flagship park under the Dublin City Council Park's Strategy.



View over St Anne's Park

The original St Annes estate was created from 1853 onwards. The estate design centres on the site of the original mansion, which took advantage of views over Dublin Bay. It was sold to Dublin Corporation in 1939 and parts of the lands were used for housing. The current park maintains the core area of the original holding. Unfortunately in 1943 the mansion was ruined by fire and the remains were later demolished.

In its contemporary role as a public park new facilities have been added including :playing fields, an extensive rose garden, a Chinese garden, a playground, a restaurant, a plant nursery, allotments, tennis courts, an arboretum and a pitch & putt course.

The park is very popular both as a local park for those in its catchment area of Clontarf, Killester, Raheny and as a city-wide attraction, especially when events such as the annual Rose Festival occur.

Park Management Policy

There are three key management policies for the park as set out in the Dublin City Parks Strategy (2016):

Policy 1. Conservation of the historic landscape & historic buildings

The original historic estate forms the framework of the contemporary park. Conservation of the original tree avenues, parkland, walled gardens, follies, entrances and boundaries requires further investment to maintain these historic features into the future. The treatment of the site of the original mansion also requires a solution befitting the status of the park.

Policy 2. Enhancement of park visitor facilities

The Red Stables (the original stables of the mansion) form the focus of visitor facilities to St Annes, including car parking, toilets, a refurbished restaurant and exhibition space. Enhancement proposals include the upgrading of interpretation, upgrading and extending car parking, and developing new gardens at the Red Stables.

Policy 3. Enhancement of park recreational facilities.

Active recreation is provided for by over 50 playing pitches and courts for GAA, soccer, rugby and tennis which are used by local sports clubs and schools. Passive recreation is supported by an extensive path network and gardens. Enhancement proposals include drainage improvements to grass playing pitches, restoration of the Rose Garden (opened in the 1970s) development of a full park perimeter path for walkers and joggers and existing path surface upgrading.

Dublin City Council Policy on Financial Contributions in Lieu of Public Open Space

The City Council policy with regard to financial contributions in lieu of public open space is as follows:

The Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfil Dublin City Development Plan requirements for open space provision a financial contribution towards provision of or improvements to a park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.

In view of the above policy all proposed developments within the catchment area (up to 1000m from park boundary) of St Anne's Park are considered for the application of a financial contribution in lieu of provision of public open space.

The planned expenditure of any financial contributions within St Anne's park for the 2016-2020 period will go towards specific actions under the 3 management policies of the park as follows:

Policy 1.Conservation of the historic landscape & historic buildings:

- Restoration of park's follies : €250,000
Conservation & restoration works for 10 follies.
- Avenue-end ideas competition : € 120,000
An international level ideas competition for the site of the original mansion.

Policy 2.Enhancement of park visitor facilities:

- Park wayfinding & interpretation: €150,000
Development of a comprehensive signage & interpretative system for visitors including multi-lingual content.
- Red Stables carpark & new gardens: € 1,000,000
Refining car-park layout and provision of overflow parking with new terrace gardens .

Policy 3.Enhancement of park recreational facilities.

- Children's playground: € 150,000
Upgrading works to the existing playground.
- New playground kiosk/toilet unit €400,000
- Pitch drainage €400,000
Installation of drainage to existing pitches to improve playability.
- New perimeter paths provision and path re-surfacing €300,000

Total: €2,770,000.00



Roof detail of the Roman Tower Folly

**Parks & Landscape Services
Dublin City Council
April 2016**

Appendix C

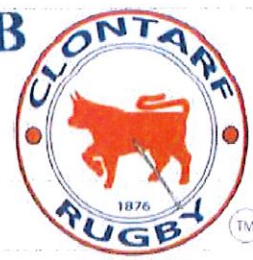


CLONTARF FOOTBALL CLUB

CASTLE AVENUE, CLONTARF, DUBLIN D03 K4K3.

Telephone: 833 6214 Fax: 833 0672

Email: crfc@indigo.ie Website: www.clontarfrugby.com



Founded 1876

Planning & Development Department
Dublin City Council
Civic Offices
Wood Quay
Dublin 8



2nd October 2017

Re Planning Application 3777/17

Dear Sir / Madam,

On behalf of Clontarf football Club, we wish to register an observation to planning application number 3777/17, insofar as we could not support any development which would result in a diminution or decline in the facilities available for the teaching, coaching and playing of rugby for the students of St Paul's College or those currently using the facilities, such as ourselves.

Yours faithfully,

Brendan Smith
Honorary Secretary

20 Fitzwilliam Place t: +353 1 6762500
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MACCABE DURNEY BARNES

PLANNING | ENVIRONMENT | ECONOMICS

Our Ref: Clontarf FC

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

16th January 2018

Re: Proposed residential development of 536 units at St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. An Bord Pleanála Ref: 300559

Dear Sir/Madam

We, MacCabe Durney Barnes of the above address, wish on behalf of our client, Mr. John O'Neill, Chairperson, Clontarf FC, 132 Mount Prospect Avenue, Clontarf, Dublin 3, to submit an observation in relation to the above development. We herewith enclose a fee of €20 paid as the prescribed fee in relation to the submission. The application has been submitted directly to An Bord Pleanála under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Our submission is set out hereunder. The submission relates primarily to the use of the pitches

1. BACKGROUND TO CLONTARF FC

The Club was established in 1917. It has developed into a significant club in the local area and indeed in the wider Dublin area. The Club currently caters for approximately 570 children from the age of 5 - 18 years of age and enters teams at all levels of competitive and non-competitive football. The leagues entered into are the Dublin District Schoolboys League (DDSL) and the North Dublin Schoolboys League (NDSL). These leagues are overseen by the FAI. It also intends to enter teams into the recently formed Metropolitan Girls League (MGL). The Club has grown every year in the past decade and continues to grow. In the past season, which finished at the end of November 2017, it fielded 30 teams on Saturdays and Sundays. The Club has 19 Small Sided Teams (5,7 & 9 aside) for children aged 8 – 12. This age bracket allows children to learn about football in a non-competitive environment. The club has 11 full eleven aside teams for children aged 13 – 18. The Nursery which is the starting block for our most junior members between 5 - 7 years of age has a turnout of over 70 every week. The Club has an annual budget of c€100,000 raised through subscriptions and fundraising.

These numbers make the club the 5th largest soccer club in Dublin, as illustrated in the Table 1 below. Clontarf FC is larger than a number of long established and well known clubs such as Home Farm.

MacCabe Durney Barnes Ltd trading as MacCabe Durney Barnes
Registered in Ireland No 571100
Directors: James M. McCarthy

End.

DCC SHD Application No.: SHD0003/17

ABP SHD Application No.: ABP-300559-18

Location: Lands east of St. Paul's College, Sybil Hill Road, Dublin 5

Description: Residential Development

Report from Drainage Division, Surface Water.

There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads) and to the following conditions;

The surface water outfall pipe and headwall details to the Naniken River shall be agreed in writing with DCC Drainage Division prior to any works commencing on site. The detail submitted in this application is not adequate to cater for concerns raised by DCC Drainage in relation to the scouring of the river channel or river banks and must be revised to the satisfaction of DCC, Drainage Division prior to commencing on site.

A construction method statement for the Surface water outfall to the Naniken River shall be submitted for written approval of DCC Drainage Division prior to construction works commencing on site

A connection from this development to the Naniken River will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. The developer is not permitted to connect to a watercourse without written permission from the Drainage Division. Any unauthorised outfall shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow any outfall works to be carried out.

Design and construction of any infiltration system must comply with the requirements of BRE Digest 365 and CIRIA C522. A infiltration assessment/percolation test to be carried out and assessment of winter groundwater levels for the site by a professional hydrogeologist to be submitted for written approval by DCC Drainage Division prior to any works commencing on site. This report must include assessment of the potential impact for the water quality of the Naniken River and the detail the sustainable measures proposed to alleviate any risk of additional pollution load to this water body.

A maintenance plan for the proposed SuDS system shall be submitted for written approval of DCC drainage division prior to construction works commencing on site.

The surface water outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.

All surface water discharge from this development must be attenuated to ensure that the maximum discharge from this site is two litres per second per hectare.

Permanent discharge of groundwater to the drainage network is not permitted.

The development is to be drained on a completely separate foul and surface water system.

The developer shall limit surface water discharge from site in accordance with the requirements of the Drainage Division as set out in the Greater Dublin Strategic Drainage Study's "Technical Document on New Development".

The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.

Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the development works on site.

An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

Dublin City Council's Drainage records are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of the public drainage network; in both hard and soft copy in an approved format; are to be submitted by the Developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.

All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Sally Redington
Senior Engineer
Planning and Developer Services
Surface Water, DCC

ROADS & TRAFFIC PLANNING DIVISION

22nd January 2018

SHD REFERENCE: SHD0003/17
LOCATION: St. Paul's College, Sybil Hill Road, Raheny Dublin 5
PROPOSED: Residential development of 536 units (104 no. houses, 432 no. apartments), crèche facility, private open space, access road from Sybil Hill Road and associated site works.
FOR: Crekav Trading GP Ltd

ROADS & TRAFFIC PLANNING DIVISION REPORT

Proposed Development

This is an application for a ten year permission for strategic housing development comprising-

- 1) Demolition of 1 no. existing pre-fab classroom structure.
- 2) Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian/vehicular gates to the new and existing accesses to Sybil Hill House and St. Paul's College.
- 3) Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road.
- 4) A residential development of 536 no. units comprising 104 no. houses and 432 no. apartments.
- 5) Basement level providing 434 no. car parking spaces, 864 no. bicycle parking spaces, refuse storage and plant;
- 6) All other site development works and services including roads and footpaths, surface parking (200 spaces), bicycle parking, bin storage, landscaping and boundary treatments and surface water attenuation facilities.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. An Environmental Impact Assessment Report (which also constitutes an Environmental

Impact Statement) and a Natura Impact Statement have been prepared in respect of the proposed development.

Relevant History

Reg. Ref. 3899/15: Permission sought for 1) the demolition of 3 no. existing school (and school related) structures - modular prefab classrooms (694 sq.m.); a disused classroom block (327 sq.m.) and a changing room block (153 sq.m.);, 2) the construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St Paul's College incorporating new accesses to Sybil Hill House and St Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian/vehicular gates to the new and existing accesses to Sybil Hill House and St Paul's College; 3) the widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road; 4) the construction of 2 no. all-weather playing pitches - 1 no. 134m x 85m multi-use pitch with 6 no. 18m high columns each with 4 no. lamps and 1 no. 32m x 54m soccer pitch with 8 no. 12m high floodlights each with 2 no. fittings - and associated 3 metre high perimeter fencing and netting; 5) the construction of a part one, part two storey multipurpose sports hall (1,467 sq. m.); 6) the construction of a hard landscaped courtyard for St Paul's College between the college and the proposed sports hall; 7) the provision of 20 no. car parking spaces and 3 no. coach parking spaces along the sides of the existing internal access road to the south of St Paul's College; 8) the construction of a residential development comprising 381 no. units - 107 no. houses (29 no. three bedroom (2 no. 2 storey detached; 8 no. 3 storey semi-detached; 19 no. 3 storey terraced) and 78 no. four bedroom houses (30 no. 3 storey detached; 20 no. 3 storey semi-detached; 18 no. 3 storey end-of-terrace; 10 no. 3 storey terraced) and 274 no. apartments (51 no. one bedroom; 174 no. two bedroom; and 49 no. three bedroom) in 6 no. five storey blocks comprising ground floor with three storeys over plus penthouse with a basement providing 284 no. car parking spaces including 10 no. visitor spaces and electric car parking/charging spaces, 292 no. cycle parking spaces, refuse storage areas and plant areas and balconies and terraces on each elevation at first to fourth floor levels) - two public open spaces (total 4,534 sq. m.) and 5 no. ESB substation/switchroom buildings; and 9) all other site development works above and below the ground including internal access roads and footpaths, bicycle parking, bin storage, incidental open space and landscaping and surface water attenuation facilities required to facilitate the proposed development.

This application was declared invalid.

Reg. Ref. 3777/17: Permission sought for new sports facilities for St. Paul's College Raheny comprising a new sports hall and two no multi sports all weather pitches. The application also includes a new car park comprising 24 spaces, 3 new coach parking spaces and a new set down area.

Dublin City Council is currently awaiting additional information on the application.

Reg. Ref. 4242/15: Permission granted for 76 no. dwellings and a basement car park containing 105 car spaces on site just north of the St. Pauls site.

The planning history on the site is noted. The principle of a large scale residential development on the site has previously been accepted by this division.

RTPD Comments

This is a strategic housing application for a residential development of 536 units (104 no. houses, 432 no. apartments) at Sybil Hill Road, Clontarf.

The development has been subject of a number of pre-application meetings with the Roads Planning Division and a Section 247 pre-application consultation with An Bord Pleanála, in compliance with Section 5(2) of the Planning and Development (Housing) and residential Tenancies Act 2016.

The is accompanied by an Environmental Impact Assessment Report, a Traffic Impact Assessment, a Stage 1-2 Road Safety Audit, an Outline Construction, Demolition and Waste Management Plan (including Construction Traffic management Plan) and a Mobility Management Plan.

Accessibility/Public Transport

In terms of public transport the site is strategically located and is well served by high quality existing public transport. The site is within walking distance of both Killester and Harmonstown Dart rail stations. The Howth Road QBC (Quality Bus Corridor) is located on the R105 Howth Road to the north of the subject site. There are regular bus services on the R105 and also on Sybil Hill Road.

The site is located approximately 5km from Dublin City Centre and is therefore within cycling distance to the city centre. There are existing on road cycle lanes on both sides of the R105 Howth Road while the S2S off road cycle track is located approximately 1km to the south.

Vehicular Access

Access to the lands is currently via the southern gated entrance from Sybil Hill Road. Sybil Hill House is accessed via the northern gated entrance from Sybil Hill Road which also can access the car park in front of St. Paul's College. St. Paul's College is accessed via the central and southernmost gated entrance from Sybil Hill Road. There are currently no direct access points or points of entry between the lands and St. Anne's Park.

There is a 2.5m wide footpath along the site frontage and 3.5metre wide grass verge. There is also a signalized pedestrian crossing on Sybil Hill Road in front of the application site.

The proposed access for the development is from Sybil Hill Road to the north of St. Paul's College, and is the current access for the Vincentian's Residence (Sybil House). The current access cannot accommodate two-way traffic. The access is

approximately 200m to the south of the Howth Road junction. Howth Road is a primary arterial road connecting the suburbs of North Dublin with the City Centre.

It is proposed to upgrade the existing entrance so that it can serve both the proposed development and Vincentian's Residence. The existing access arrangements to the school will be retained and a gated access to the school will also be provided off the proposed development access to provide linkage between the Vincentians Residence and the school.

The proposed access road shall comprise of 2 no. 3.0m traffic lanes, 2.0m footpaths either side of the road and a 1.5m wide cycle lane between Sybil Hill Road and east of Vincentian's residence. The proposed access road includes for on-road cycle lanes from the junction with Sybil Hill Road to beyond the school and Vincentians Residence.

The proposed access road is in close proximity to an existing signalised pedestrian crossing serving the existing school. This may result in conflict between pedestrians crossing on a green with vehicles turning left out of the development. This concern was outlined to the applicant during the Section 247 pre-application consultation with An Bord Pleanala.

This division recommends that the existing crossing be relocated towards the south to provide some stacking for cars turning left out of the site. It is also considered necessary to provide a new pedestrian crossing to the north of the proposed access to allow for improved crossing facilities for residents leaving the development and heading north. The two crossings should be linked by a raised table or other traffic calming measures.

It is noted that the main access road, junction with Sybil Hill Road and internal access roads have been designed in accordance with DMURS. It is proposed that 30kph speed limits will apply to all internal streets.

Pedestrian access

Three potential pedestrian links to St Anne's Park are proposed on the eastern and northern boundaries of the site. The submission document notes that the proposed access arrangements have been designed having regard for the National Transport Authority document *Best Practice Guide on Permeability* (2015).

This division is supportive of the pedestrian links as they are important for safe access to St. Ann's Park but also are important for permeability and reducing walking times from the development to bus facilities along the Howth Road and to Harmonstown Dart Station.

Car Parking

A total of 619 car parking spaces are provided for the development including 31 spaces visitor parking spaces. It is proposed to provide a total of 434 car parking

spaces at basement level for the apartments, including 2 no. spaces for Electric charging. The car parking spaces for the houses are on street spaces directly adjacent to the carriageway with footpath separating the spaces and the dwellings. A total of 156 no. car parking spaces are provided for the 104 houses, which equates to 1.5 spaces per unit on average with an additional 8 visitor carparking spaces.

A 'Go-Car@ car club facility is also proposed for the development and will be exclusively for residential uses and would be operated and managed by the management company. It is proposed that 2 no. 'Go-Car' parking spaces will be provided at surface level. In addition it is proposed to provide 4 no. electric parking spaces (2 at basement and 2 at surface level).

5 car parking spaces are also proposed for the crèche element of the scheme with an additional 4 spaces for crèche drop off.

Applicable car parking standards for a residential development on this site are set out in the City Development Plan, which allows for maximum, as opposed to minimum parking allowances. The site is located in Area 2 Car parking Standards which permit a maximum of 1 car space per residential unit. While it is proposed to provide one car space for a each apartment at basement level, are 3 car parking standards have been applied to the housing element of the scheme, i.e. 1.5 car parking spaces per unit. It is argued that given the location and number of bedrooms in each house, it is considered that Parking Zone 3 standards are appropriate for the houses. 156 spaces are proposed for the 104 no. houses. Visitor parking spaces have been reduced from 75 to 31 which were proposed in the original submission for the Section 247 pre-application consultation with An Bord Pleanala.

Cycle Parking

A total of 864 cycle parking spaces are proposed at basement level for the apartments (2 per unit) while a total of 20 no. visitor spaces are proposed at ground floor level. The bike parking at basement level is arranged in 9 separate areas. It is noted that the majority of spaces at basement level are stacker type. The preference of this division with regards to all cycle parking is for Sheffield format stands.

Access to the cycle parking at basement level is via the 10m ramp. It is noted in the "Statement of Consistency, Urban design Manual" that a separate bike lane will be provided for on the ramp. However this does not appear to be indicated on the submitted drawings.

Taking In Charge

It is now proposed that the development shall be a privately managed residential scheme and shall not be taken in charge by the planning authority. In the original submission to the City Council it was proposed that the development including the access roads be taken in charge.

Traffic Impact Assessment

A Transport Assessment (TA) has been submitted as part of the documentation. The TA includes an assessment of how many trips would be generated from the development using the data from the TRICS database.

The total number of additional vehicle movements generated by the proposed development is estimated to be 42 arrivals and 108 no. departures in the AM peak hour (08:00) – 09:00) while the total number of additional vehicular movements in the PM peak hour (17:00 – 18:00) will be an additional 112 arrivals and 78 departures.

The TA also assessed the combined trip generation for the St. Paul's Residential Development and adjoining Sports Hall/Playing pitches application and the MKN residential development on the site to the north. The MKN development included 76 no. residential units with 105 car parking spaces.

A PICADY junction analysis of the proposed access junction onto Sybil Hill Road and the adjacent road network has also been undertaken as part of the Transport Assessment. The PICADY results for the junction show that the proposed junction will operate at or below 22.5% capacity with the peak hour development traffic in place. This confirms that the proposed access has more than adequate capacity for the proposed development.

The TA also includes a Signalised Junction Analysis of the R105 Howth Road/R808 Sybil Hill Road junction which is located approximately 200 metres from the proposed access road to the subject site and experiences relatively high traffic flows particularly during the morning and evening peak traffic periods. Outbound traffic on the R105 Howth Road cannot turn right into Sybil Hill(R808). It is noted that the overall change in traffic flow through this junction with the St. Paul's trip generation is projected to increase by approximately 3.3% during the morning peak hour and 4.1% during the evening peak hour. These increases are below the 5% threshold which would normally be regarded as having a reasonable impact on the junction.

Conclusion

The principle of the proposed development is accepted by this division. In terms of public transport the site is strategically located and is well served by high quality existing public transport including QBC and dart facilities. The site is also located approximately 5km from Dublin City Centre and is therefore within cycling distance to the city centre with nearby on road and off road cycle facilities. The proposal will undoubtedly generate an increased level of traffic on the local road network but it is considered that this traffic can be accommodated on the existing road network.

In general, it is considered that the proposed street hierarchy respects the principles outlined in DMURS. To conclude I am satisfied with the proposed parking, roads and junction layouts with regard to safety requirements, Development Plan standards and relevant policy provisions.

This division recommends the following conditions in the event that permission is granted.

- The existing signalised pedestrian crossing adjacent to the proposed new access junction shall be relocated southwards to provide for stacking space for vehicles turning left from the entrance of the proposed development. This is necessary to ensure that drivers have clear visibility of the signals. In addition a new pedestrian crossing shall be provided to the north of the access junction and the road surface linking the two pedestrian crossings shall be a raised table or other traffic calming measure. Prior to commencement of development the exact details of the new crossing, relocated crossing and traffic calming measures shall be agreed in writing with the Environment and Transportation Department. The applicant shall be responsible for all costs associated with these works.
- The road layout and junction arrangements throughout the proposal are to be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) in the context of ensuring speeds of 30km per hour throughout the residential development
- All roads, footpaths and other hard paved areas shall be constructed in accordance with '*Construction Standards for Road and Street Works in Dublin City Council, 2015*'
- Cycle parking should be of the Sheffield stand variety to provide good security and reduce the risk of damage to wheels.

Kiaran Sweeney
A/S. Executive Planner
Roads & Traffic Planning

Brendan O'Brien
Head of Technical Services
Env. & Trans. Dept.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

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Comhairle Cathrach Bhaile Átha Cliath, Bloc 3, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

City Archaeologist's Report

To: Area Planner

Date: 12/01/18

Ref: SHD0003/17

Location: Lands east of St. Paul's College, Sybil Hill Road, Dublin 5

Proposal: Crekav Trading GP Limited, intend to apply to An Bord Pleanála for a ten year permission for a strategic housing development at this site located on lands east of St. Paul's College, Sybil Hill Road, Raheny, Dublin 5. The development will consist of:- 1) Demolition of 1 no. existing pre-fab classroom structure. 2) Construction of an access road with footpaths and on-road cycle tracks from Sybil Hill Road between Sybil Hill House (protected structure) and St. Paul's College incorporating new accesses to Sybil Hill House and St. Paul's College and the provision of new wall and railing boundary treatment along the new road and new pedestrian/vehicular gates to the new and existing accesses to Sybil Hill House and St. Paul's College. 3) Widening and realignment of an existing vehicular access onto Sybil Hill Road to facilitate the proposed access road. 4) A residential development of 536 no. units comprising 104 no. houses and 432 no. apartments. The houses will be laid out in 4 courtyard perimeter blocks of 26 units each, and will comprise 96 no. terraced 3-bedroom units and 8 no. detached 4-bedroom units, all 3-storey in height with associated terraces including roof terraces. The apartments will be accommodated in 6 no. blocks ranging in height from 5 to 8 storeys (over basement). Block 1 (5 to 8-storeys) will accommodate 143 no. units comprising 48 no. 1-bedroom, 92 no. 2-bedroom and 3 no. 3-bedroom units. Blocks 2 and 4 (8-storey) will each accommodate 63 no. units comprising 15 no. 1-bedroom, 39 no. 2-bedroom and 9 no. 3-bedroom units. Blocks 3 and 5 (5-storey) will each accommodate 39 no. units comprising 9 no. 1-bedroom, 24 no. 2-bedroom and 6 no. 3-bedroom units. Block 6 (5-storey) will accommodate 85 no. units comprising 59 no. 1-bedroom and 26 no. 2-bedroom units. All apartments will be provided with associated balconies/terraces. The development provides for: - Community Rooms at ground and basement level of Block 1; - Gym and crèche facility at ground floor in Block 6; - Two areas of public open space east and west of apartment blocks; - Substation/switchroom buildings; - Basement level providing 434 no. car parking spaces, 864 no. bicycle parking spaces, refuse storage and plant; - All

other site development works and services including roads and footpaths, surface parking (200 spaces), bicycle parking, bin storage, landscaping and boundary treatments and surface water attenuation facilities. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. An Environmental Impact Assessment Report (which also constitutes an Environmental Impact Statement) and a Natura Impact Statement have been prepared in respect of the proposed development. The application, together with the Environmental Impact Assessment Report and Natura Impact Statement, may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Dublin City Council. The application may also be inspected online at the following website set up by the applicant: www.stpaulsshd.ie. Any person may, within a period of 5 weeks beginning on the date of receipt by An Bord Pleanála of the application and on payment of the prescribed fee of €20 (except for certain prescribed bodies), make a submission or observations in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, relating to the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by An Bord Pleanála in making a decision on the application. Such submissions or observations must also include the following information: (a) the name of the person, authority or body making the submission or observations, the name of the person, if any, acting on behalf of that person, authority or body, and the address to which any correspondence relating to the application should be sent, (b) the subject matter of the submission or observations, and (c) the reasons, considerations and arguments on which the submission or observations is or are based. An Bord Pleanála may grant permission for the strategic housing development as proposed, or may grant permission subject to such modifications as it specifies in its decision, or may grant permission in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the proposed development. An Bord Pleanála may attach to a grant of permission such conditions as it considers appropriate. Any enquiries relating to the application process should be directed to the strategic Housing Development Section of An Bord Pleanála (Tel.01-8588100).

Applicant: Crekav Trading GP Limited

1. Recommendation

I have reviewed the above and recommend:

☐	Refusal
☐	Additional Information
☒	Condition
☒	See Commentary

2. Commentary

Two reports pertaining to archaeology were lodged with this application. These were: *'Report on the Geophysical Survey, Maryville House, Raheny, Dublin 5'* by Seán Shanahan and Robert Hanbidge of Shanarc Archaeology and Chapter 11.0 – Cultural, Archaeological and Architectural Heritage by Rob Goodbosity on behalf of Shanarc in *'Environmental Impact Assessment Report Proposed Residential Development on lands at St. Paul's College, Raheny, Dublin 5'*.

Structural elements that were likely associated with the once-standing Maryville House, an arcing boundary and probable agricultural features were identified in the geophysical survey. The archaeological and historical significance of the site and the results of a site walkover are summarised in the assessment report and the potential impacts of the development are considered. The most significant, direct and permanent negative impact will likely be on the site of Maryville House and gardens which are probably 18th century in date.

It is recommended in both reports that a programme of targeted archaeological testing be undertaken at the proposed development site in advance of the commencement of construction works. Given the relative large scale of the development, the potential for previously unknown subsurface archaeological features and the likelihood of encountering significant remains associated with Maryville House, I concur that an archaeological assessment, as described below, should be attached to any grant of permission for this application.

3. Dublin City Development Plan 2016-2022

Section 11.1.5.15 **CHC9:** states it is the policy of Dublin City Council: *To protect and preserve monuments.*

1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. That where preservation in situ is not feasible, sites of archaeological interest shall be subject to 'preservation by record' according to best practice in advance of redevelopment.
3. That sites within Zones of Archaeological Interest will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
4. That the National Monuments Service will be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.
5. To preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland.
6. That in evaluating proposals for development in the vicinity of the surviving sections of the city wall that due recognition be given to their national significance and their special character.
7. To have regard to the Shipwreck inventory maintained by the DAHG. Proposed developments that may have potential to impact on riverine, inter-tidal and sub-tidal environments shall be subject to an underwater archaeological assessment in advance of works.
8. To have regard to DAHG policy documents and guidelines relating to archaeology.

4. Recommended Condition

- A. No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.
- B. The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
 - i. The nature, extent and location of archaeological material across the site by way of archaeological testing. Targeted archaeological testing shall also take place at the location of Maryville House with the purpose of defining the nature, extent and location of the building and associated structures.
 - ii. The impact of the proposed development on such archaeological material.
- C. The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.
- D. Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- E. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.
- F. Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department Arts Heritage and Gaeltacht, shall determine the further archaeological resolution of the site.
- G. The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation *in situ* of archaeological remains, which may negate the facilitation of all, or part of any basement.
- H. The developer shall make provision for archaeological excavation in the project budget and timetable.
- I. Before any site works commence the developer shall agree the foundation layout with the Planning Authority.
- J. Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the *Dublin City Archaeological Archive Guidelines* (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

Reason

In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

Signed

Níall Garahy
Executive Archaeologist
MA, MIAI

Dr Ruth Johnson
City Archaeologist
PhD, FSA, MIAI

cc DCHG - Tom Condit

MEMO

MEAMRAM



Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

Housing & Community Services
Block 1, Floor 3,
Civic Offices, Wood Quay, Dublin 8

Seirbhísí Tithíochta agus Pobal,
Bloc 1, Uirlár 3
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T. 01 222 5379 E: lorraine.gaughran@dublincity.ie

Ms. Gillian Carroll
Planning Registry
Block 4 – Floor 0
Civic Offices
Wood Quay
Dublin 8

10th January 2018

Re : Part V – St. Pauls College, Sybil Hill Road, Raheny, Dublin 5
DCC SHD Application No. PACSHD0003/17

I refer to your letter and attachments of 10th January 2018 regarding the above.

I have examined the relevant documents in relation to Part V of the Planning Development Act 2000 (as amended).

Marlet on behalf of Crekav Trading GP Limited has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted.

Crekav Trading GP Limited has identified units for the Council's consideration in order to comply with their Part V obligation. The Housing Department will consider this proposal if planning is granted.

Please find attached Validation Letter issued to Marlet Property Group on 21st July 2017.

I trust the above is in order.

Regards,


Lorraine Gaughran
Senior Staff Officer



**Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council**

**Housing & Community Services,
Block 1, Floor 3,
Civic Offices, Wood Quay, Dublin 8**

**Seirbhísi Tithíochta agus Pobal
Bloc 1, Urlár 3
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T. 01 222 5379 E: lorraine.gaughran@dublincity.ie**

**Marlet Property Group
7th Floor
College House
Townsend Street
Dublin 2**

**21st July 2017
Part V Ref: 709**

Re : Saint Pauls, Sybil Hill, Raheny Dublin 5

Applicant: Crekav Trading GP Limited

Agent: Marlet

Validation Letter – Part V

Dear Sir / Madam,

Marlet intends to lodge a planning application on behalf of their client Crekav Trading GP Limited to develop a site located at Saint Pauls, Sybil Hill, Raheny, Dublin 5

Marlet has engaged in Part V discussions with Dublin City Council and an agreement in principal to comply with their Part V requirement has been reached.

Dublin City Councils preferred option is to acquire units **on site** and is bound by the planning permissions granted. Therefore Dublin City Council can only agree in respect of the actual permitted development.

I would be obliged if you could validate this planning application.

If you have any further queries regarding this application, please contact me on 01 - 222 5379.

Yours sincerely,

**Lorraine Gaughran
Senior Staff Officer
Housing Development**

North Central Area Committee Meeting - Monday 15th. January 2018

Presentation by Bryan Ward Senior Planner on planning application ref SHD0003/17
ABP-300559-18 - Lands east of St. Paul's College, Sybil Hill Road, Dublin 5 -Crekav Trading GP Limited

Members in attendance:

Ciaran O'Moore (Chairperson)
Councillor Paddy Bourke
Councillor Tom Brabazon
Councillor Declan Flanagan
Councillor Alison Gilliland
Councillor Deirdre Heney
Ardmheara Micheál MacDonncha
Councillor Seán Paul Mahon
Councillor Edel Moran
Councillor Michael O'Brien
Councillor Damian O'Farrell
Councillor Naoise O'Muirí
Councillor Larry O'Toole

Before the presentation commenced a recommendation was put forward by one of the members that a special area committee meeting be convened solely to consider this application due to:

- the significance and scale of the proposed development.
- the fact that the procedure in relation to large scale developments is new to the members.
- the need to consider any additional crucial information that may be given in the presentation that up to now they were unaware of.

After discussion it was decided that Bryan Ward would deliver his presentation and a decision on convening a special area committee meeting would be voted on when this concluded.

Summary of issues/queries raised

New process/ABP

- DCC s input into the final decision by ABP unclear.
- It would be preferable for councillors to prepare a submission of their views rather than relying on a staff member to summarise them.
- The views of the members as summarised should be approved by them before they are submitted to ABP.
- It is preferable that a further area committee meeting is convened where councillors can submit motions which will remain on the public record.
- Assurance needed that the developer has mirrored the information on his website to the application he has submitted.
- Councillors would need access to details of pre application discussions in order to make a proper informed assessment of the proposal.

- Will the decision of ABP acknowledge the biosphere and protected species in the area?
- Is the CEO and ABP bound by the provisions of the Development Plan?

Part 5 Compliance

- Given the current housing situation will DCC get more than the required 10% social housing and is the type/tenure of the units known – will any be made available for sale at an affordable cost.
- As the apartments are high spec the service charges will be substantial which will impact negatively on DCCs (or the tenants) budget.
- Will the part 5 units be dispersed or all in one block.

Traffic

- The number of additional units will cause a significant increase to existing heavy traffic volumes.
- Heavier traffic volumes will have a negative impact on safety particularly at local schools.
- The high number of car parking spaces proposed will discourage the use of public transport.

Development Plan

- Does the application comply with the current development plan – will the proposal be assessed by ABP and the CEO in relation to development plan policy.
- Densities an issue – way too many units proposed for the site and 8 storey buildings too high and will cause overshadowing.
- Zoning an issue particularly given the debate during development plan process -more than enough zoned land in development plan for 50,000 housing units (including DCC owned land).
- Proposal is an abuse of Z15 zoning.
- Proposal represents overdevelopment of site.
- Concern expressed that good planning will be abandoned in order to respond to the housing crisis.

Loss of Amenities

- Loss of public amenity will impact DCC – sports clubs moving from St. Paul's site area means slack will have to be taken up by DCC.
- The amenity at Red Stables will be adversely impacted.
- Potential flood risk.

Visual Impact/Quality of Life

- Majority of members concluded that the development is located in Saint Anne's Park and the development will impact negatively on its highly sensitive landscape.
- What is the status of the land – is it in public/private ownership?
- Major negative impact on the quality of life for the residents of Meadows Estate – particularly in relation to overlooking and overshadowing.

- Height proposed not in keeping with existing low rise developments.
- St. Anne's park users will be adversely affected.
- Impact on Sybil House House (protected structure).

North Central Area Committee Meeting – Wednesday 24th. January 2018

Presentation by Bryan Ward Senior Planner on planning application ref SHD0003/17
ABP-300559-18 - Lands east of St. Paul's College, Sybil Hill Road, Dublin 5 -Crekav Trading GP Limited

Members in attendance:

Ciaran O'Moore (Chairperson)
Tom Brabazon
Naoise O'Muirí
Larry O'Toole
Alison Gilliland
John Lyons
Michael O'Brien
Paddy Bourke
Ardmhéara Micheal Mac Donncha
Damian O'Farrell
Declan Flanagan

An overview/summary of the previous presentation to the North Central Area Committee on 15th. January 2018 was given before the presentation commenced.

Summary of issues/queries raised

- Members are united in not supporting this application.
- Inaccuracies in information supplied by developer included in presentation particularly in relation to the proximity of the development to the Dart station.
- Despite the acknowledged dire need for housing this proposal is not supported by area committee members.
- Development driven to maximise profits for developer – units will be overpriced and out of peoples reach.
- Need for 563 housing units well recognised but not appropriate to this site.
- Scale of development will put enormous strain on services in the area.
- Protection of St. Annes Park is of utmost importance to the Members.

Zoning

- There were particular issues when preparing the City Development Plan in relation to Z15 zoning. Applicant has not demonstrated that this land is surplus to requirements and there will be no land available for St. Paul's expansion if the proposal is approved.
- Proposal is an abuse/clearly breaches Z15 zoning and is a material contravention of the Development Plan.
- There is a significant amount of zoned and serviced land available to alleviate the shortage of private and public housing and DCC should concentrate on developing these sites instead of making unsound planning decisions.

- Councillors mindful of the need to protect the zonings as set out and agreed in current development plan.
- Zonings in the current plan need to be protected.

New process/ABP

- Does ABP have respect for the zonings as agreed in the Development Plan?
- Fast track approach will lead to a lowering in the standards of units built.
- Council needs to make the strongest case possible to ABP not to allow the development to go ahead.
- Is it advisable to concentrate on the negative impact on the environment/Biosphere when making a submission to ABP?
- ABP must see this application as not being consistent with Z15 zoning.
- Is ABP bound by the provisions of the Development Plan?

Part 5 Compliance

- As the apartments are high spec the service charges will be substantial up to €3,000 p.a which will impact negatively on DCCs (or the tenants) budget.

Traffic

- The proposed traffic management plan will not address the impact of increased traffic volumes.
- Serious negative impact on traffic as site can only be accessed from Sybil Hill Road which is an already congested junction.
- Traffic problems will be compounded by the proposed Fairview Cycle Route.
- The high number of car parking spaces proposed will discourage the use of public transport.
- Councillors have a role to ensure developments have proper traffic management plans in place.

Development Plan

- Development is a contravention of the 2016 – 2022 Development Plan.
- Councillors have ownership of the Plan as they were part of the enactment process where zonings were agreed.

Loss of Amenities

- Applicant is proposing to replace 6 pitches with 3 which will have a detrimental negative effect on local clubs who want to play in their locality. There is no evidence that they can be facilitated with alternative pitches.
- It will be impossible for DCC to accommodate clubs who will lose their pitches.
- Families and individuals will suffer as a result of the loss of the playing pitches and the negative effect will be felt citywide as sporting clubs can no longer visit for matches.

Visual Impact/Quality of Life

- Proposed scale of development doesn't integrate with surroundings.
- Density is out of character with residential developments in the area.
- Positive visual amenity of the park will be destroyed.
- No consideration given to the impact of overlooking and overshadowing on the neighbourhood.
- Height proposed not in keeping with existing low rise developments.
- Local residents very concerned at risk of flooding.

Biosphere

- Construction phase will have a detrimental effect which will be non reversible on the wildlife of the area.
- The flora and fauna of the area will suffer significantly if the development goes ahead.
- The lands form part of the Dublin Bay biosphere and the development will have a negative impact on the birdlife habitat particularly Brent Geese.
- There are no alternative feeding sites for displaced birds.

24th January 2018

Area Manager
North Central Area Office
Dublin City Council
Northside Civic Centre
Bunratty Road
Dublin 17

RE: SHD Application No. ABP-300559-18 - Lands east of St. Paul's College, Sybil Hill Road, Dublin 5

A chara,

The six councillors representing the Clontarf ward on Dublin City Council have developed and agreed a joint submission on the above application to today's Area Committee and we wish to highlight the following issues:

cl/c. O'Mahony
Inappropriate use of Z15 zoning – the development as proposed is entirely inappropriate under Z15 zoning. Residential is included as an "Open for Consideration" use under Z15 in order to secure the retention of existing institutional and community uses; a typical example is the use of Z15 for provision of student accommodation for educational institutions. This development by virtue of its enormous scale and intensity constitutes a material contravention of the 2016-2022 Development Plan.

cl/c. O'Farrell
Loss of existing amenity value to community users – the lands in question are zoned Z15 and were, until January 2018, accessed by a large number of local sporting organisations. Loss of access to these grasslands will leave hundreds of children, youth and adult teams with no place to play. Dublin City Council's Development Plan 2016-2022 states that the objective of Z15 zoned land is to protect and provide for institutional and community use. The plan goes on to state that any residential development open to consideration on Z15 land must demonstrate...

...how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses;

And

...how the proposal...assists in securing the aims of the [Z15] zoning objective;

These lands are far from surplus to requirements for local clubs and schools as they are in essential active use; this development would result in a serious loss of an established community use and is therefore incompatible with Z15 objectives.

c/c John Paul

Damage to Brent Geese foraging grasslands, Curlew feeding areas and the Biosphere – these lands are located within the Dublin Bay SPA and are part of the Dublin Bay Biosphere Catchment. They are feeding grounds for Brent Geese and for the Curlew. Dublin City Council's Parks Division when assessing the impact of a related application (DCC Reg. Ref. 3777/17) raised serious concerns about the impact of that proposal on feeding grounds, concluding that *"In this regard, the proposed mitigation (i.e. the capacity of the network of alternative feeding sites to absorb the loss of St Paul's) is not considered sufficient, practicable or achievable"*. This neighbouring application is of a much greater scale so those concerns are even more relevant here. There is also no evidence that the applicant has sufficient management control over the network of alternative feeding sites identified to be able to effectively manage the displacement of this site as a feeding ground.

c/c Heney

Surface water drainage - the applicant proposes discharging surface water directly into the Naniken River in St Anne's Park. This river has no capacity to take additional water and floods regularly. Up until now this water has been absorbed by the natural grasslands of the site but the surface water run-off from over 500 homes into the river will be catastrophic for downstream flooding.

Traffic congestion – the junction of Sybil Hill Road and the Howth Road is already the subject of serious traffic congestion; the addition of 536 residential units at this location will greatly exacerbate this problem. There are two main roads that can be used by residents locally to travel towards the city centre - the Howth Road and the Clontarf Road, both of which route traffic through to the 'Fairview bottleneck'; the additional 536 residential units will invariably lead to a significant increase in congestion at this location.

Loss of visual amenity – the development if approved will damage forever the positive visual amenity enjoyed by all recreational users on the main Avenue into the park.

As councillors we stand full-square with our communities who wish to protect the amenity value of our mature parklands for current and future generations. An Bord Pleanala should reject this application for the reasons as laid out above.

Please forward our detailed submission to the Chief Executive prior to him making his recommendation to An Bord Pleanala. Please also transmit our submission directly to An Bord Pleanala officials responsible for assessing this application.

Yours faithfully,

Cllr. Naoise Ó Muirí – Fine Gael

Cllr. Deirdre Heney – Fianna Fáil

WOL
Deirdre Heney

Cllr. Jane Horgan-Jones – Labour

PP Alison Gilliland

Cllr. Sean Paul Mahon – Fianna Fáil

Seán P. Mahon

Cllr. Damian O'Farrell – Independent

Damian O'Farrell

Cllr. Ciarán O'Moore – Sinn Féin

Ciarán O'Moore

From: Cllr Ciaran O'Moore [gmail]
Sent: 24 January 2018 16:28
To: Dympna McCann
Subject: St Pauls

Sorry for the delay.

A chara,

We are writing to you to express our serious concerns about the proposed development at the rear of St Paul's College in Raheny, Dublin City (Ref: ABP-300559-18).

The State is in a housing crisis and the development of well-planned housing is an acute necessity. However the St. Paul's plan is fundamentally flawed and an example of bad planning. We are deeply concerned by the proposed plan to build over 500 residential units on the Sybil Hill Road site.

The sheer density of this proposal would put an enormous strain on local services such as public transport.

The site is itself landlocked with only a single access point through a school onto an already busy road leading to a very congested junction at the Howth Road. There is no doubt that this will lead to further traffic congestion.

An application has been lodged in conjunction with a planning application to Dublin City Council (3777/17) which will provide access roads and ancillary services to the SHD. Dublin City Council have requested more information in relation to this. It would be injudicious for An Bord Pleanála to make any decisions while no conclusion has been given by Dublin City Council.

Furthermore, we have serious concerns about the environmental and ecological impact this proposed development would have on St Anne's Park, the Naniken River and the wider Dublin Bay Biosphere. We wish to draw your attention to the findings of the developer's Natura Impact Assessment which admits that the land is the most densely used site for Brent Geese in Dublin, after the Bull Island, to which it serves the vital role as their main staging ground to access the inland grazing network.

St Anne's Park is a fantastic amenity to the local area and is used by huge numbers of residents every day for sports and leisure activities. The proposed development would seriously impact on the availability of sports pitches and recreation sites for community use.

In particular we are concerned by how this development will affect the soccer, rugby and GAA clubs in the area – along with other community groups – who have used these facilities for almost 60 years and would, if this proposal goes ahead, be forced to find alternative venues for training and fixtures.

We understand there are also no guarantees in terms of use of the proposed Sports Hall and all-weather pitches for these clubs.

Finally, it must be recognised that this land is zoned Z15 which means it is for community and institutional uses which requires that existing amenities are protected.

We would ask that you take into consideration these concerns when coming to a decision

Is sinne le meas

Denise Mitchell TD

Councillor Ciarán O'Moore

Councillor Mícheál Mac Donncha

Councillor Edel Moran

Councillor Larry O'Toole

Councillor Daire Ní Laoi

Sinn Féin, Dublin Bay North.

--

Regards Cllr Ciaran O Moore

Oifigeach Poiblí Shainithe faoi réir Acht um Brústocaireacht a Rialáil

Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.