

Board Order PL 29S.248284

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1020/17

Appeal by Cormack Manning and David O'Donoghue for Fresh Life Foods Limited care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin and by Donnybrook Fair care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 9th day of March, 2017 by Dublin City Council to grant subject to conditions a permission to Waterways Ireland of Floor 2, Block C, Ashtowngate, Navan Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permit temporary markets to operate in excess of the specified exemptions one day per week at Northern and Southern banks of the Grand Canal adjacent to Wilton Terrace and Mespil Road, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below. **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of

the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations

received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the location of the site within the open space area along the Grand

Canal, to the Z9 zoning objective, the temporary nature and scale of the proposed

development, and the polices of the current Dublin City Development Plan 2016-

2022, it is considered that, subject to compliance with the conditions set out below,

the proposed development would contribute to the active use and enhancement of

this open space area, would not seriously injure the residential or visual amenity of

the area, have an adverse effect on the character and setting of the conservation

area or endanger public safety by reason of traffic hazard. The proposed

development would, therefore, be in accordance with the proper planning and

sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the

plans and particulars lodged with the application, except as may otherwise be

required in order to comply with the following conditions. Where such

conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out

and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The market shall only operate between 0700 hours and 1700 hours on one day per week. The use shall cease on or before the expiration of a period of three years from the date of this order, unless prior to the end of the period, planning permission has been granted for this use for a further period.

Reason: To enable the impact of the development to be assessed at the end of this period.

 A traffic management plan including proposed loading, servicing and parking on market days shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

4. Litter in the vicinity of the markets shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of the amenities of the area and the protection of the environment.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2017