



An
Bord
Pleanála

Inspector's Report

ABP-321677-25

Development

Change of use of permitted (3321/17) market space to a convenience retail unit to include a café/deli, part off-licence, and integrated exhibition/artist market space.

Location

No. 8 Newmarket and No. 18 Mill Street, Dublin 8.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

4346/24.

Applicant(s)

Patrizia Eight Building Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party.

Appellant(s)

Patrizia Eight Building Ltd.

Observer(s)

Ciarán Mulqueen, Máire Devine TD and Cllr Ciarán O Meachair; Ian Dowling and Sebastian Enke.

Date of Site Inspection

6th March 2025.

Inspector

Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject site consists of the ground floor of the 'Eight Building' on the south side of Newmarket Square. The six storey building mainly consists of offices above ground level. There is an outdoor courtyard adjacent to the vacant ground level floor space where an indoor market is permitted adjacent to permitted artist rooms/spaces. To the south, Mill Street adjoins the site.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Change of use of the permitted 'market space' at ground floor level to provide a 512sqm convenience retail unit to include a café / deli; part off-licence (28sqm) and a 100sqm integrated exhibition / artist market space.
 - Variation of Condition 4(d) of the parent permission (reg. ref. 3321/17) as amended to permit the shared use of the 146sqm external courtyard space with the permitted artist studios to provide outside seating and dining space ancillary to the retail unit and exhibition / artist space.
 - Shared use of the permitted office waste storage room at basement level.
 - Internal alteration works to facilitate the proposed change of use.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided to refuse permission for 1 no. reason which related to the removal of an indoor market area which was a fundamental element of the parent permission and of the regeneration of Newmarket as per Objective SDRA15. The change of use would materially contravene Policy CCUV33 (economic role of markets) of the Development Plan and condition 4 of the parent permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Council's Planner's Report referred to the parent permission Condition no. 4 of which required an indoor market and the rationale for this was the Liberties Local Area Plan (2009) which included objectives that referred to a large indoor market, shared courtyard and artists' studios. It noted the recent refusal of DCC and ABP in relation to a change of use of the indoor market area to retail. It notes that the use is permitted in principle under the Z10 zoning objective for the site. The business case put forward by the applicant is not accepted including in relation to adequate retail provision in the area, that the market is not required to be for food, that it has not been demonstrated that there is no demand for such a market space and in relation to synergies with the artist spaces. The recommended reason for refusal referenced loss of the indoor market area and the principles and objective of Strategic Development Regeneration Area (SDRA) 15 (Liberties and Newmarket Square) and Policy CCUV33 which it considered would be materially contravened given the economic role of markets for start-up enterprises.

3.2.2. Other Technical Reports

- Drainage Division: No objection subject to condition.
- Transportation Division: Further Information requested in relation to bicycle parking provision.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: No objection subject to Section 49 Development Contribution condition.
- National Transport Authority: No response received.
- Uisce Éireann: No response received.
- Department of Housing, Local Government and Heritage: No response received.

3.4. Third Party Observations

17 no. third party observations were received by the Planning Authority (P.A.), including 4 from councillors. These observations can be summarised as follows:

- The area should be a successful meeting point for the community and the unique character of the area is being lost.

- Previous refusal by ABP cited in relation to the history of markets on site.
- A meeting of potential market traders should be convened.
- The quest for profit maximisation of the site is not a relevant consideration.
- There is a surplus of office space in the city.
- There is a conflict with DCC Development Plan policies.
- Precedent would not be good for the city.
- Queries as to what an integrated artist market space constitutes.
- Footfall in the area has increased with the hotel and other new developments.
- There has been no progress in developing the Iveagh Markets or other alternatives with a market required for this area.
- Locals were led to believe that there would be more not less market space.
- This is indicative of displacement of local markets.
- The weekend markets are very much missed since they closed.
- There is ample retail in the vicinity including in the recently permitted adjacent housing development (LRD6028/24-S3).
- Several developments with community parts have been removed and not delivered.
- The requirements of the parent permission were known to the property purchasers.
- Previous market traders on the site have not been approached.
- Viability issues should have been raised under the parent permission.

4.0 Planning History

3017/22 – Permission refused by the P.A. and on appeal (ABP-313166-22) for a change of use of the permitted 'Market Space' at ground floor level to provide a convenience retail unit at ground floor level (612 sqm) to include a café/deli, and part off-licence of 28 sqm. Permission to vary condition 4(d) of 3321/17 (as amended) to permit the shared use of the external courtyard space (146sqm) with the permitted

artist studios to provide outside seating and dining space ancillary to the proposed retail convenience unit. Permission for the shared use of permitted office waste storage room at basement level.

ABP Reason for refusal related to the proposed change of use undermining the guiding principles of the development strategy by replacing a market area that has the potential to add vibrancy and use mix reinforcing the character of the market square and complementing the artist studios. In this context, the change of use would be premature.

3747/20 – Retention permission granted for alterations to artist studio layouts permitted under 3321/17 and amended under 3672/19.

3672/19 – Permission granted for internal and external amendments whereby following further information the market space and artist studios were reinstated.

3321/17 – Permission granted for demolition of all buildings on site and the construction of a new part 4-, part 5- and part 6-storey building above basement level with a total Gross Floor Area (GFA) of 9,401.05 sq.m, to include 264.97 sq.m (GFA) of Indoor Market Hall / Retail floorspace and 1,251.07 sq.m (GFA) of office floorspace at ground floor level with a further 7,885.01 sq.m (GFA) of office floorspace on the upper levels (first to fifth floors). Access to the basement car park is provided via a ramp off Mill Street. A total of 17 car parking spaces at basement level together with ancillary storage areas and plant. A total of 96 bicycle parking spaces and shower and changing facilities at ground floor level. A north facing roof terrace is proposed at 4th floor level.

Condition no. 4 of the grant of permission states:

“4. a) The use of the entire area indicated as “Market space” on revised plans received on 20/10/17 shall be used for the purposes of an indoor market only. No change of use shall be permitted in the absence of a prior grant of planning permission for same.

b) A detailed operational management plan shall be submitted for the Market space hereby permitted, prior to opening of this use on site.

c) The artists studio shall be used for this purpose only. No change of use shall be permitted in the absence of a prior grant of planning permission for same.

d) The shared courtyard space shall be shared for use of the indoor market and artists studio, details of which shall be included in the operational management plan submitted. Reason: In the interests of proper planning and sustainable development of the area”.

Sites in the vicinity

2283/17 – Council approved Part 8 scheme for Newmarket which includes public realm improvement plan. The proposed works are designed to create a high quality, multi functional market square and city wide destination and to improve permeability throughout the area via enhanced links across Cork Street to the north and Mill Street to the south. The aim is to encourage day and night time activities around the public open spaces and create a public realm that prioritises walking, cycling and easy street crossing with particular emphasis on pedestrian priority.

LRD6028/24-S3 – Permission granted by the P.A. for amendments to the permitted mixed use, primarily Build-To-Rent (BTR) residential development granted by An Bord Pleanála under Ref. ABP-312268-21 (120 BTR apartments and a commercial unit), as subsequently amended by Dublin City Council under Ref. LRD6028/23-S3 and LRD6032/23-S3.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028 (the CDP)

Under the CDP, the subject site is zoned under the Z10 Objective (Inner Suburban and Inner City Sustainable Mixed-Uses) which is to “*to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*”.

Café/ tearoom, creative and artistic enterprises and uses, delicatessen, off-licence (part), shop (local and neighbourhood) uses are the applicable uses permitted in principle under the zoning.

The site is within a conservation area.

The site location is within Strategic Development and Regeneration Area (SDRA) 15 for The Liberties.

Chapter 2 – Core Strategy

- Section 2.4 The Core Strategy

Chapter 6 – City Economy and Enterprise

- Section 6.5.6 Key Economic Sectors

Chapter 7 – The City Centre, Urban Villages and Retail

- Section 7.5.6 Food and Beverage Sector / Markets

CCUV33 – Support for Markets: *To facilitate indoor and outdoor markets both in the city centre and throughout the city particularly where they support the existing retail offer and local produce/start up enterprise and the circular economy; and to realise their potential as a tourist attraction.*

Chapter 13 – Strategic Development Regeneration Areas

- Section 13.17 SDRA 15 – Liberties and Newmarket Square

The introduction states “*This SDRA corresponds to the area defined by the Liberties Local Area Plan 2009. With the expiration of the Local Area Plan (LAP) in May 2020, the SDRA seeks to incorporate relevant elements of the LAP, as appropriate, that have yet to be realised*”.

In relation to Land Use and Activity, this section states “*To support the use of Newmarket Square for market trading and other beneficial public uses including as appropriate, works to enhance universal access, the pedestrian environment and public realm*”.

Chapter 15 – Development Standards

- Section 15.14.7 Retail / Retail Services and Food and Beverage
- Section 15.14.8 Off Licences

Appendix 2 (see Retail Strategy)

5.2. Natural Heritage Designations

In relation to designated sites the subject is located:

- c.07km north of the Grand Canal Proposed Natural Heritage Area (PNHA) (site code 002104).
- c.4.2km west of South Dublin Bay Special Area of Conservation (SAC) and PNHA (site code 000210).

- c.4.2km west of South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004024).

6.0 The Appeal

6.1. Grounds of Appeal

One first party appeal on behalf of the applicant, Patrizia Eight Building Ltd, has been received. The grounds of appeal can be summarised as follows:

- There has been no change in planning policy between the making of the previous decision to refuse permission which was made by ABP under the provisions of the current CDP.
- There is no indoor market. It is an aspiration in the parent permission and is not viable. There is no prospect of it being implemented in the medium to long-term.
- Weight must be given to the proposal to enhance and activate the artist studios and the provision of an active, vibrant and beneficial retail services use.
- Policy CCUV33 is of limited if any relevance which the proposal cannot reasonably be considered to materially contravene.
- The development cannot facilitate 'markets'. There is over 6 years of evidence supporting this. A small standalone indoor market space within a modern office building is not attractive or available for potential tenants.
- The permitted market space is not of a scale that can reasonably support retail, enterprise and the circular economy or serve as a tourist attraction.
- There has been significant progress on the re-establishment and re-use of the Iveagh Markets, the Guinness Quarter Markets and the Victorian Fruit and Vegetable Markets in close proximity since the previous decision.
- It is inconsistent to cite a material contravention in this decision by comparison with the previous decision noting the similarities between Policy CCUV33 and Policy CEE18 of the previous development plan. ABP did not cite Policy CCUV33.

- The Development Plan does not reference Newmarket or the permitted market referencing only the wholesale fruit and vegetable market on Mary's Lane and the Iveagh market and Moore Street market with the indoor space not suitable for such a scale of market to create a critical mass.
- The use of the previous derelict industrial building for a market may have been an unauthorised use and the market relocated to Bluebell Business Centre when the site was being redeveloped.
- Refusing permission in the circumstances could be a material contravention of Policy CCUV33.
- No reference to a specific principle of the SDRA15 Guiding Principles was made by DCC and these principle only reference the use of the square for market trading.
- The proposal is consistent with SDRA15 in respect of Key Opportunity Site KOS 3 (Newmarket) in relation to active and animated frontages along building edges and which the artist studios would also activate.
- The developer has found it increasingly difficult to let out the remainder of the building due to the vacant ground floor element.
- As material contravention has been cited, the Board must be satisfied that the criteria under Section 37(2) of the Act would be satisfied in that Policy Objective CCUV33 is not clearly stated and conflicts with other objective of the plan as;
 - The policy makes no specific reference to Newmarket Square or the indoor market and the markets referenced are of a strategic scale.
 - The requirement is to facilitate a market which refusing permission fails to achieve.
 - The policy was not referenced in ABP's decision and the most recent decision is inconsistent with the previous decision in relation to substantially the same policy.
 - SDRA15 envisages a market in the square and not in the buildings facing it where such a market could only be ancillary and contingent on a market

in the square and there is no market in Newmarket Square or any proposals for one.

- The proposal is consistent with the principles of SDRA15 in respect of Key Opportunity Site KOS 3.
- The proposal for an indoor art exhibition and market space is consistent with the recommendations of DCC's Cultural Infrastructure Guidance and Toolkit and this identifies the need for a 100sqm exhibition space.
- The Planner's Report failed to acknowledge the way the proposal seeks to enhance and leverage the artist studios and the courtyard.

The appeal is accompanied by a leasing report and a letter from the developer which in summary includes the following:

- They conducted an extensive direct targeted marketing campaign and canvassed commercial agents, their clients and potential occupiers/operators.
- The size of food halls/markets and the need for a diverse range of operators is outlined.
- The property was re-marketed in 2024 including to numerous local companies and all found the property to be unsuitable.
- If limited to 'market space' use, the unit will remain vacant for the foreseeable future.

6.2. Planning Authority Response

- 6.2.1. The P.A. requested in its response that the Board uphold its decision to refuse permission and requested a Section 48 development contribution condition and Section 49 (Luas X City) development contribution condition if permission is granted.

6.3. Observations

Four valid observations were received from Ciarán Mulqueen, Máire Devine TD and Cllr Ciarán O Meachair; Ian Dowling and Sebastian Enke. These observations can be summarised as follows:

- While the office space has been advertised for office use, there is no evidence of marketing of the market space which residents have shown an interest in using.
- The proposal contravenes Policy CCUV33 which acknowledges the economic and cultural importance of markets and this removal of the market would undermine it and the principles of SDRA15.
- Newmarket Square has a unique history as a market destination which is part of the local identity and of historical significance.
- There have been no visible or verifiable effort to promote the market space as intended.
- Residents have attempted to lease the space and have been refused.
- The proposal would fail to uphold Policy CEE18 and ABP has already refused permission.
- A number of developments in the area have included community elements which have later been amended/removed.
- The footfall in the area has radically increased since the previous application from new developments and tourists.
- The Iveagh markets development should be given no weight and it will likely be 10 years at a minimum before it might open.
- The site notices were in breach of regulation 19 of the regulations.
- There is already permission for a retail unit at the corner of Newmarket Square and with Tesco Express shop there is no need for another.
- In relation to prematurity refusal, the applicant has not demonstrated that all possibilities have been exhausted/explored.
- The CBRE letter refers to having “*intermittently engaged in marketing the permitted space*”.
- The appeal lacks credibility as one observer stated he would be interested in renting this space but was never contacted.

- Returning displaced trades will mean the rich history of Newmarket Square is maintained for the community.
- The absence of a list of traders contacted is unfortunate and a group of traders has approached a local TD who are interested in the space.
- The use of term premature by ABP could be read as a “fait accompli”.
- The Development Plan supports the unique tradition of market trading which is limited in the city and is most synonymous with the Liberties.
- The artist studios should be allocated immediately and they would attract shoppers and visitors.
- There is a lack of vision in the application.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Planning and Policy History.
- Retail Policy.
- Material Contravention.
- Other Issues

7.2. Principle of Development

7.2.1. I note the site zoning under the Z10 Objective (Inner Suburban and Inner City Sustainable Mixed-Uses) which is to “to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses”. I note that shop (local and neighbourhood), off-licence (part), creative and artistic enterprises and uses; delicatessen and café/tea room are uses which are permitted in principle under the zoning objective for the site. As such, in principle the proposed change of use to

convenience retail unit to include a café / deli; part off-licence (28sqm) and a 100sqm integrated exhibition / artist mark space along with the shared use of the courtyard for these uses, is acceptable. This is subject to detailed assessment of the other relevant issues below.

7.3. Planning and Policy History

- 7.3.1. The appeal and the observers specifically reference policy CCUV33 (Support for Markets) and SDRA 15 (Liberties and Newmarket Square) in relation to the proposed development. Matters in relation to policy CCUV33 will be dealt with in the 'Material Contravention' section below. I note that prior to the implementation of the parent permission there were market uses on the site including a warehouse building which included a farmer's market between 2014 and 2019 which operated on Thursday and Friday afternoons as well as Saturdays. It is noted that the farmer's market relocated to a premises on the Old Naas Road, Dublin 12. The Dublin Flea Market ran once a month for a 10 year period up to 2019 and then relocated to the Digital Hub after a period with no home.
- 7.3.2. The parent permission under reg. ref. 3321/17 provided, following an F.I. request for a market space on the ground floor, artist studios and a shared courtyard for these uses. These uses were required under Condition no. 4 of this permission. The proposal is effectively seeking to remove the permitted indoor market floor space at ground floor level of the development in addition to the change of use.
- 7.3.3. I note the above planning history and that this was originally permitted on the basis of the previous Development Plan and Liberties Local Area Plan, no longer in force. I note the LAP included policy provision for an indoor market at Newmarket as well as the delivery of a high quality multi-functional market square and city-wide destination at Newmarket edged with active frontage. It also sought to encourage, for a minimum of 5 years, developers to offer ground floor commercial and enterprise space at below market rents to ensure occupation.
- 7.3.4. I note that current CDP policies for the Newmarket area have evolved and in relation to markets recognise, at a general level, the historic and economic value of markets to Newmarket. I note no reference is made to an indoor market or specifically in relation to a requirement for markets other than in the public realm. I note that Section 13.17 in relation to the SDRA 15 (Liberties and Newmarket Square), while

seeking to incorporate relevant elements of the LAP not yet implemented, is general in nature as it relates to private lands other than in relation to active frontages and non-specific as to the location of markets other than in the public realm. It does not refer to indoor markets.

- 7.3.5. For example, in relation to the public realm it states, “To support the use of Newmarket Square for market trading and other beneficial public uses including as appropriate, works to enhance universal access, the pedestrian environment and public realm”. I also note that while alternative larger indoor markets in the city, such as the former Iveagh market, may take time to develop, that at least one of these is being actively pursued such that at least one indoor market development in the city can be facilitated in the future.
- 7.3.6. I note the section of the SDRA under ‘design’ includes “*To identify and protect the distinctive heritage of the area and encourage sustainable and innovative re-use of historic spaces and structures*”. The specific section includes a requirement for the delivery of active and animated frontages along building edges and at Newmarket Square. It also states that “community and cultural uses at Newmarket Square should be protected into the future”.
- 7.3.7. On my site visit, I observed the large outdoor space in Newmarket which has been reserved open and free of parking and which could facilitate an open outdoor market consistent with CDP policy and which is capable of providing for community and cultural uses as well as markets. I have reviewed the submitted CBRE report and notwithstanding the assertions of some observers, I consider that it is sufficiently robust and applicable to the indoor market area.
- 7.3.8. However, I note the short time period that has elapsed since the most recent Board decision in August 2023, while acknowledging the submitted CBRE Report (although this type of report was also submitted with the previous application) and its 2024 marketing campaign and its findings including in relation to viability concerns and the inadequate scale of the market space. I also note a third party submission from a market provider stating they were not aware of any marketing campaign. I am not satisfied that there has been a meaningful change in circumstances since the most recent refusal of permission to merit a different outcome. I note that the Inspector’s

Report in that case considered it premature to overturn the request for the resumption of the indoor market on site and that Condition 4 be allowed to stand.

- 7.3.9. This was on the basis of, inter alia, the feedback of the applicant's property consultant, the planning and market history, potential synergies with the courtyard and whether a convenience retail use would yield cultural and communal benefits. I note that while the Inspector's Report in the previous case was on the basis of the previous Development Plan, that the Board decision was taken on the basis of the current Development Plan such that there has been no applicable change in policy in the interim.
- 7.3.10. While noting the evolution of CDP policy since the expiration of the LAP, SDRA 15 under the guiding principles for key opportunity sites section nevertheless states that *"community and cultural uses at Newmarket Square should be protected into the future"*. In this context I consider that the SDRA 15 policy is strong and specific enough to require the maintenance of the permitted indoor market use, which I consider to be a community and cultural use in contrast to the proposed generic retail use, as permitted, while noting that policy is otherwise general in nature as it applies to indoor markets in the area.
- 7.3.11. I note that the proposed change of use of part of the indoor market space for artist market space would also result in the loss of this portion of the indoor market space. This may negatively affect the viability of the space such that this proposed change of use is not merited on its own. Moreover, the proposed variation of Condition no. 4(d) of the parent permission to provide for the shared use of the external courtyard space is not required given that I do not consider the change of use to be merited at this time with no material change in circumstance noted since the previous refusal of permission.
- 7.3.12. As a result, I recommend that permission be refused for the proposed development given the guiding principles under SDRA 15 for Newmarket on retaining community and cultural uses, such as the indoor market, at Newmarket Square. This would be consistent with the Core Strategy of the CDP which requires such areas to develop in accordance with these guiding principles. This has the potential to add to the use mix and vibrancy of the area while retaining the community and cultural uses. This would reinforce the character of the market square and would complement the

adjoining artist studios and it would not be appropriate to allow the proposal for these reasons at this time.

7.4. Retail Policy

- 7.4.1. In terms of retail policy, I note that small scale retail shops are generally encouraged in the city as they add vibrancy and vitality to public spaces as well as providing services to residents and users of the city and that this is consistent with the CDP retail strategy. I note that the off-licence floor area would be of such size and location as to be subsidiary to the main retail and use. It would be unobtrusive and thus accords with CDP policy Section 15.14.8. While the proposed change of use is consistent with retail policy, it is not consistent with the SDRA for Newmarket Square, and as I have noted above, I consider that this merits a refusal of permission at this time.

7.5. Material Contravention

- 7.5.1. The Council decision cited a material contravention of Policy Objective CCUV33 (Support for Markets) in relation to the economic role of markets as produce/start up enterprises and the circular economy and their potential as a tourist attraction. I do not consider the proposed change of use of modest floor area / scale to be of such a scale that it could significantly undermine this economic role of markets in the wider city noting the indoor market spaces, such as the Iveagh Markets, currently being planned for this purpose and that the outdoor space at Newmarket is capable of performing such a function.
- 7.5.2. I note that CDP policy supports a market at Newmarket but not specifically an indoor market. The outdoor space at this location is of significant size, is open and free of development as to be suited for such use. For these reasons and noting the Board previously did not cite a material contravention, I am not concerned that a material contravention of policies under CCUV33 of the CDP arises.
- 7.5.3. While I do not consider that a material contravention of the Development Plan arises as stated in the P.A.'s refusal reason, nonetheless I note that should the Board wish to grant permission for the development that it must follow Section 37(2)(b) of the 2000 Act (as amended) where the Council has refused permission citing a material contravention of the Development Plan. In this context, I draw the attention of the Board to 37(2)(b)(ii) where it states that the Board may grant permission where

“there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”. I consider that CDP policy under CCUV33 in relation to an indoor market at this location is not specifically required or clearly stated specifically in relation to Newmarket and is a general policy only.

7.6. Other Issues

- 7.6.1. Third parties have raised concerns that the site notices were in breach of regulation 19 of the Planning and Development Regulations 2001 (as amended). In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice and other potential notices, I note that these matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 EIA Screening

- 8.1. See Form 1 attached. The proposed changes of use are not considered to be projects requiring interventions in the natural environment. The proposed development can be screened out at pre-screening stage for the purposes of environmental impact assessment.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177S and 177U of the Planning and Development Act 2000 as amended. The subject site is located c.4.2km west of South Dublin Bay SAC site code (000210) and c.4.2km west of South Dublin Bay and River Tolka Estuary SPA (site code 004024). The proposed development comprises an internal change of use with no emissions.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The absence of any external impacts.

- The distance to European sites.
- Taking into account the screening determination by the P.A..

9.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

10.0 Recommendation

I recommend that permission be refused.

11.0 Reasons and Considerations

1. The proposed changes of use is in an area identified as a Strategic Development Regeneration Area in the Dublin City Development Plan 2022 – 2028 (as varied). The Core Strategy of the Development Plan requires such Strategic Development Regeneration Areas to develop in accordance with the guiding principles set out in Chapter 13. It is considered that the proposed change of use would undermine the guiding principles by replacing a permitted “market space”, that has the potential to add to the vibrancy and use mix of Newmarket by reinforcing the character of the market square and complementing the adjoining tourist and artist studios, (with a more generic convenience retail unit). In these circumstances, it would be contrary to Development Plan policy to accede to this change of use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ciarán Daly
Planning Inspector

15th April 2025

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321677-25		
Proposed Development Summary	Change of use of permitted (3321/17) market space to a convenience retail unit to include a café/deli, part off-licence, and integrated exhibition/artist market space.		
Development Address	8 Newmarket and 18 Mill Street, Dublin 8.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____