

William Doran (TechIEI)
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Land and Property Surveys
Fire Safety & Disability Access Consultant
7, St. Mary's Road,
Ballsbridge,
Dublin 4

Ph: [REDACTED]
Email: [REDACTED]

An Bord Pleanála,
Marlborough Street,
Dublin 1
BY HAND

18th July, 2022

JN 6792

AN BORD PLEANÁLA	
LDG- <u>055441-22</u>	
ABP- _____	
19 JUL 2022	
Fee: € <u>220</u>	Type: <u>cheque</u>
Time: _____	By: <u>hand</u>

Re: 2863/21 – Dublin Central Site 4 PL29N.313947

Applicant: Dublin Central GP Limited.

Directors: Rebecca Patton, Vanessa Mitchel, Andrew Diggins, Connor Owens.

Description of proposed Development:

PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 15 years at a site, 'Dublin Central - Site 5' (c. 0.18 Ha) at No. 22 - 25 Moore Street, No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane), Dublin 1 and otherwise generally bounded by O'Rahilly Parade to the north, by Moore Lane to the east, by No. 21 Moore Street and No. 12 Moore Lane to the south and by Moore Street to the west. The proposed development comprises: - A mixed-use scheme in a single building (c. 6,478 sq. m gross floor area) ranging in height from 2 - 6 storeys (top floor set back) over single storey localised basement. The building includes office space (c. 5,753 sq. m) from 1st to 5th floor with office lobby at ground floor level, with 3no. terraces at 2nd, 3rd and 5th floor respectively (c. 401 sq. m in total) and 3no. licenced restaurant / café units with takeaway / collection facility at ground floor (Unit 1 on Moore Lane, O'Rahilly Parade and the proposed new public plaza - c. 228 sq. m, Unit 2 on the proposed new public plaza - c. 271 sq. m and Unit 3 on Moore Street, O'Rahilly Parade and the proposed new public plaza - c. 179 sq. m), together with provision of a 'delivery hub' unit at ground floor level (c. 46 sq. m). All associated and ancillary site development, demolition, landscaping, site infrastructure and temporary works, including: - Demolition of all existing buildings and structures on site (c. 2,312 sq. m); Provision of part of a new public plaza (168 sq. m) and associated temporary works pending completion of the combined plaza with the concurrent planning application for the adjoining Site 4 immediately to the south (1,253 sq. m public plaza overall); 58no. bicycle parking spaces at ground floor level with associated cycling welfare facilities; Plant at basement and roof level; Building signage zone and retractable canopies; Laying of underground drainage infrastructure from O'Rahilly Parade to connect with existing drainage network on Parnell Street via Moore Street. The application site is

outside the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application.

Dear Sir,

Further to a decision of Dublin City Council to grant planning permission for the above mentioned development I lodge the below observation on behalf of the following Street Traders;

Amanda Higgins Pitch No A5 & A6, Moore Street, Dublin 1

Catherine Kennedy Pitch No A38, Moore Street, Dublin 1.

~~Paul Shannon Pitch No A66, Moore Street, Dublin 1.~~

Martina Owens Pitch No A17, Moore Street, Dublin 1.

Rose Kinsella Pitch No A17A, Moore Street, Dublin 1 .

Sharon Byrne Pitch No A55, Moore Street, Dublin 1.

I enclose the appropriate fee of €220, and a copy of the acknowledgment letter from Dublin City Council.

At the outset I need to state Dublin Central GP Limited did not include in the planning application description of the development the cessation of the Moore Street Market or part thereof for a time during the construction of the development or thereafter.

Condition 14 of the notification to grant planning permission refers directly to the Moore Street Markets and my client's Market Traders.

Condition 14 of the notification of decision to grant planning permission states;

*During construction works the developer **shall** ensure the protection of the Moore Street Markets as far as practicable and provide support and liaise with market traders and representatives where ongoing trading is no longer possible or construction works necessitate relocation of the market.*

The Moore Street Markets are in operation on Moore Street for a very considerable length of time and there relocation would present a significant problem for the traders and their continuity of service to their customers.

Planning condition 14 is mandatory and must be maintained and improved in any grant of planning permission by An Bord Pleanala.

My clients as Moore Street Market Traders are a vulnerable group and require protection of their livelihood by mandatory planning condition.

The planning condition 14 proposed by Dublin City Council is helpful but insufficient to provide protection, as it is a requirement placed on the proposed developers, however, it is weakened by the phrase "*as far as is practicable*"

It is reasonable if the developer is to carryout a development for profit that he be required to engage and it would seem based on the planning permission sought that the ceasing of street

market trading on Moore Street is required for a considerable length of time, and may possibly lead to the end of the street market on Moore Street permanently.

A mandatory nature of the planning condition is to welcomed, however it does not ensure the protection of my client's or their livelihoods and leaves the proposed developer a possible way of avoiding any obligation to deal with the street traders.

Further the proposed granting of the planning permission for a period of seven years, impacts my clients' and their established right to trade on Moore Street and prolongs what appears to be the inevitable cessation of trading on the street for a prolonged period and the difficulty in my clients' re-establishing their trade on completion of the works is not considered.

The notification of decision to grant permission by Dublin City Council for seven years under Condition 5 does not prevent the developer seeking a time extension under the Planning and Development Act 2000, Section 42, and effectively putting my clients' out of business for upwards of twelve years, and under Section 42 (3) the Planning Authority could grant a further time extension. There is no limitation set out in Section 42 for a time extension or further time extension and consequently my clients' may be put out of business for upwards of twenty years.

In the foregoing circumstances it is reasonable that the developer be mandated to get the agreement of my clients' prior to making an application for a time extension or further time extension, or alternatively An Bord Pleanala insert a condition on any grant of planning permission to prevent the developer from making use of Section 42 in its entirety thus protecting the Moore Street Traders and giving them finality, and ensuring the proposed developer has an incentive to complete within the proposed life of the permission..

I ask An Bord Pleanala to refuse planning permission for this proposed development or to include enforceable mandatory planning conditions which protect the livelihood of my clients, the Moore Street Traders, and allows them to continue trading uninterrupted on Moore Street, or ensures they receive adequate compensation through negotiation with the developer, for any period when they are prevented from trading and ensures they are adequately funded if and/or when they can restart trading to assist in the set up costs of re-establishing their businesses. It should also be borne in mind the traders if put out of business for any period, will be prevented from making a living, and build a pension fund for their retirement.

Yours Faithfully,



William Doran

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It is reasonable if the developer is to carryout a development for profit that he be required to engage and it would seem based on the planning permission sought that the ceasing of street market trading on Moore Street is required for a considerable length of time, and may possibly lead to the end of the street market on Moore Street permanently.

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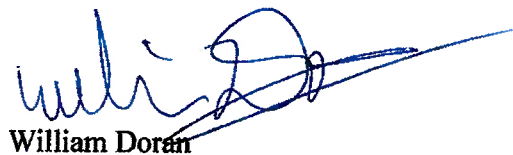
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William Doran



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Uirlár 3,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288

E. planningsubmissions@dublincity.ie

Mr William Doran on behalf of Moore
Street Traders Committee
7 St. Mary's Road
Ballsbridge
Dublin 4

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

PLAN NO.
DATE RECEIVED:
LOCATION:
PROPOSAL:

2863/21

09-Nov-2021

22-25 Moore Street, 13 Moore Lane, 14-15 Moore Lane, Dublin 1

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

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O'Rahilly Parade to connect with existing drainage network on Parnell Street via Moore Street. The application site is outside the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application.

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

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

To Whom It May Concern,

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

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

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

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

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

Yours faithfully,


For ADMINISTRATIVE OFFICER

Ceannofig, Oifigí na Cathrach, An Ché Adhmaid, Bhaile Átha Cliath 8, Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

T 01 222 2222 W www.dublincity.ie



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25-Nov-2021