

The Secretary
An Bórd Pleanála
64 Marlborough Street
Dublin 1.

18.7.22

Re: Dublin City Council Planning Application 2863/21
Appeal against grant of above permission

AN BORD PLEANÁLA	
LDG-	<u>055436-22</u>
ABP-	
19 JUL 2022	
Fee: €	<u>270</u> Type: <u>Cash</u>
Time:	<u>11.45</u> By: <u>hand</u>

A chara,

We wish to appeal to An Bórd Pleanála against the decision of Dublin City Council to grant permission to the above planning application. We set out below the grounds for appeal. We also request an oral hearing. Relevant fees accompany submission of appeal. Acknowledgement of objection to Dublin City Council enclosed.

Is mise



Cllr Daithi Doolan, Dublin City Council, Richard O'Carroll Room, City Hall, Dublin 2.

On behalf of the Sinn Féin group on Dublin City Council:

Cllr Daithi Doolan, Cllr Janice Boylan, Cllr Séamas McGrattan, Cllr Máire Devine, Cllr Mícheál Mac Donncha, Cllr Larry O'Toole, Cllr Anthony Connaghan, Cllr Daniel Céitinn.

1. A flawed process

The planning process has not been properly followed with respect to this application and the two applications which accompanied it.

- (a) This proposed enormous development by Hammerson is split into six separate planning applications, three received to date by Dublin City Council and three signalled for some future date.
- (b) The breaking up of the proposed development in this way makes it extremely difficult if not impossible for citizens to envisage both what the complex and extensive development itself will entail and its impact on the wider city centre. No clear overall masterplan has been presented.
- (c) The sites covered by this application (2863/21) and the two accompanying applications (2861/21 and 2862/21) are really one site, yet they are broken up into three separate applications, making a clear assessment most difficult. For example

the terrace 10-25 Moore Street is split between two of the applications as are the proposed spaces to the rear of these buildings.

- (d) Dublin City Council planners, by way of further information, sought from the applicant a scale model. This was provided yet there was no public notification of its display in Civic Offices, Wood Quay, and citizens were unaware of its existence.
- (e) There were delays at all stages of the planning process in uploading the application information online and this was an especially serious omission at a time of Covid restrictions.
- (f) These delays meant that the right of citizens to participate in the planning process was denied, the statutory time and full information not being available.
- (g) The decision on this application was made by Order dated 23 June 2022. The letter informing us of this was dated 28 June 2022 and was received by post several days later, thus reducing by more than a week the statutory time of four weeks within which to lodge an appeal. (See copy enclosed).

On the basis of the flawed process alone, as described above, the grant of permission should be overturned and this appeal upheld.

2. The Moore Street 1916 Battlefield Site

As is by now thoroughly researched and documented, the entire terrace 10-25 Moore Street was occupied by the evacuated GPO garrison at Easter 1916. Adjacent lanes and buildings are the evacuation route and scenes of the fighting and final surrender, and retain the layout and much of the built fabric of the time. This is a unique battlefield site and is unquestionably of major historic importance on a national and international scale.

The proposed development would demolish much of the existing pre-1916 built fabric and would fundamentally alter the layout of the streets and lanes. The scale of the development would overwhelm Moore Street, fundamentally changing its character and rendering the terrace 10-25 a low-rise relic of the former street dwarfed by high-rise modern buildings.

In our view the grant of permission does not properly take into account the need to fully protect the National Monument and the need to protect the historic buildings and streetscape that surround it.

It is essential to retain the integrity of the terrace occupied by the GPO garrison in 1916. The National Monument has no meaning outside the context of that terrace.

Such is the importance of the terrace that in June 2021 Dublin City Council voted to add it to the Record of Protected Structures. This commenced a statutory process in which the terrace is deemed protected while inspections and assessments are carried out, a report prepared and presented and a final decision made. Yet the same Council tasked with

assessing and reporting on the proposed protected structures decided to grant planning permission for the current application which would destroy much of the proposed protected structures. This constitutes bad planning practice and unfair procedure.

Most of the 'Dublin Central' site, of which the site in the present application forms a part, is in the O'Connell Street Architectural Conservation Area. Its historic and cultural importance is recognised in the Dublin City Development Plan. The elected members of Dublin City Council have repeatedly voted to protect it and to support its development as an historic cultural quarter. The vision of such a quarter of our city centre with spaces for culture and history, with a vibrant street market and shops, and with housing, commands widespread public support. We argue that the current planning application does not meet that vision, that it is highly commercialised over-development with only a nod to the 1916 heritage, the much longer history and the street market tradition of the area. In fact it would effectively obliterate these elements which give the area its distinction and character. Therefore the Board should uphold the appeal against grant of permission.

3. The Moore Street Market

Moore Street has been best known for most of its existence as the city's largest and most vibrant street market, the oldest food market in Dublin. Recent years has seen a sad decline with a dwindling number of stall-holders and diminishing footfall. The vibrancy of the street market was to some extent adversely affected by the development of the Ilac Centre. But as councillors long familiar with the street and its traders we believe that the decline of the past decade and more is directly related to the fact that the east side of the street has been effectively 'frozen' in the hands of successive developers and their planning applications. The scale and complexity of these proposed developments, their highly controversial nature, and the fact that a previous developer became subject to NAMA, has prolonged the planning process. Meanwhile the street has continued to decline.

The current planning application and the two that accompany it, in their scale and complexity and duration, would continue this adverse impact on the street traders and on the shops and independent businesses on the street. The potential for disruption from construction traffic, dirt and noise over a period of up to 15 years is obvious and would spell the end of the street as we know it.

The condition in reference to the street traders proposed by the Council in the grant of permission is weak: "During construction works the developer/owner is requested to ensure the protection of the Moore Street Casual Trading Area as far as is practicable and provide support and liaise with the Casual Traders and/or representatives where ongoing trading is no longer possible or construction works necessitate relocation of the Casual Trading Area". Such a condition simply hands the developer permission to interfere with the Moore Street traders business, including causing their trading to cease. The Council simply passes the

problem on to the developer and washes its hand of the matter. This is totally inappropriate particularly as the Council licences the street traders.

We are also gravely concerned at the reported proposal by Dublin City Council and the Department of Housing, Local Government and Heritage to co-fund with Hammerson a compensation scheme for the street traders. While the Minister's Moore Street Advisory Group supported a compensation scheme for the street traders, it proposed that it be agreed between the traders and the developer. For the planning authority itself to discuss participation in such a scheme while the planning application on which it would depend is still under consideration by the planning authority, could be regarded as prejudicing the planning process.

Given the potential impact of this application and its accompanying two applications on the Moore Street market we urge the Board to uphold the appeal against grant of permission.

4. Conclusion

The City Council has a special statutory responsibility to protect the history, heritage, architecture and archaeology of the city. We argue that in granting this permission it has failed in this duty.

The Council must also ensure that the planning process is open, transparent and accountable. We have set out above how we believe this standard was not met with regard to these planning applications and that errors were made which thwarted the right of citizens to participate in the planning process.

It is acknowledged that the City Council does not have legal powers to prevent the acquisition of sites on the huge scale of the 'Dublin Central' site by entities such as Hammerson. Nor has it the powers to prevent developers leaving such sites dormant for years on end. All the more reason then for the Council to ensure that when planning applications for such sites are submitted they must be assessed in the most rigorous manner and that there is full public access and participation. The citizens rely on the Council planners and An Bórd Pleanála to represent the public interest and with an application such as this their role is of special importance given the resources at the disposal of the applicants and the sensitivity and location of the site. We argue that to fulfil its responsibility An Bórd Pleanála should reject the grant of permission and uphold this appeal.

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

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

T: (01) 222 2288
E. planningsubmissions@dublincity.ie

Councillor Mícheál MacDonncha
Richard O'Carroll Room
City Hall
Dame Street
Dublin 2

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.	2863/21
DATE RECEIVED:	29-Apr-2022
LOCATION :	22-25 Moore Street, 13 Moore Lane, 14-15 Moore Lane, Dublin 1
PROPOSAL :	<p>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.</p>

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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