

File With _____

SECTION 131 FORM

Appel O: ABP-313947-22



Defer Re O/H

TO:SEO

Having considered the contents of the submission dated/received 05/05/2022
fromDMOD Architects I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): no new material
issues raisedE.O.: Dispute earlyDate: 16/05/2022

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

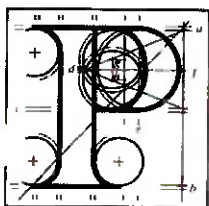
Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____



An
Bord
Pleanála

Observation on a Planning Appeal: Form.

Your details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

Your full details:

(a) Name

Thomas Russell

(b) Address

DMOD Architects, Cathedral Court, New Street,
Dublin 8

Agent's details

2. Agent's details

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A

(b) Agent's address

N/A

AN BORD PLEANÁLA	
LDG-	055900-22
ABP-	
05 AUG 2022	
Fee: €	50
Type:	careal
Time:	1304
By:	hand

Postal address for letters

3. During the appeal process we will post information and items to you **or** to your agent. For this observation, who should we write to? (Please tick ✓ one box only.)

You (the observer) at the
address in Part 1

☒

The agent at the address
in Part 2

☐

Details about the proposed development

4. Please provide details about the appeal you wish to make an observation on. If you want, you can include a copy of the planning authority's decision as the observation details.

(a) Planning authority

(for example: Ballytown City Council)

Dublin City Council

(b) An Bord Pleanála appeal case number (if available)

(for example: ABP-300000-19)

ABP-313947-22

(c) Planning authority register reference number

(for example: 18/0123)

2863/21

(d) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Nos. 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 by No. 21 Moore Street and No. 12 Moore Lane to the South and by Moore Street to the West.

Observation details

5. Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see letter attached.

Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Fee

7. You **must** make sure that the correct **fee** is included with your observation. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

This document has been awarded a Plain English mark by NALA.

Last updated: April 2019.



Jr Ref: 21016 06 tr
5th August 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

RE: Application for Planning Permission Registry Reference 2863/21 at Nos. 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.

RE: Submission in accordance with Section 130

Dear Sir/Madam,

I, Thomas Russell of DMOD Architects, Cathedral Court, New Street, Dublin 8, write to make a submission in regard to the appeal to An Bord Pleanála of the Dublin City Council decision to grant planning permission for development as set out in registry reference 2863/21, comprising one tranche, Site 5 (c.0.18 hectares gross site area), of the proposed redevelopment of lands in a masterplan area of 5no. sites extending to c.2.2 hectares between O'Connell Street and Moore Street, denominated 'Dublin Central' by the applicant. The An Bord Pleanála Case Number for this appeal is ABP-313947-22

To follow are the reasons, considerations and arguments on which this submission is based.

Condition 14 of the proposed grant of permission (2863/21) requests that the applicant ensure the protection of the Moore Street Markets as far as is 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. I wish to challenge as inadequate the application of this Condition with reference to Item 6 of the Fifth Schedule, Section 191 of the Planning and Development Act (2000) (as amended) which allows for "Any condition relating to the preservation of the quality and character of urban or rural areas" and I offer two points in support of this challenge for your consideration.

(1) The Condition is **insufficiently meaningful** and provides no measure, procedure or authorisation process to direct the Applicant to effect the preservation of the quality and character of the Moore Street Market setting which has already been subject to slow decline arising from the ongoing neglect of this area by the Applicant for many years.

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Financial Controller

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FCA

ISO 9001:2015



Registered in Dublin, Ireland
Certificate of Incorporation No. 449068
Registered Office: As Above
DMOD Ltd is a Limited Company trading as DMOD

(2) The Condition is **insufficiently comprehensive** and provides no consideration of the independent store traders on Moore Street who, together with the market traders, have formed an essential part of the Moore Street Market and the trading ecology on the street, for generations in some cases, and who have materially contributed to the quality and character of the Moore Street Market setting. While the Applicant and representatives of Dublin City Council have engaged with the market traders prior to the application, no attempt was made to engage with the independent store traders who have grave and distressing concerns about the adverse impact of the construction traffic and activities during the delivery of the proposed development. These concerns were not allayed by the materials submitted with the application for planning permission or submitted in response to the request for further information. In addition, the concerns have been exacerbated by the reduction of the duration of the permission from the 15 years requested to 7 years, with an anticipated doubling of the intensity of site traffic expected as a consequence. As a practitioner with over 25 years experience I note that the impact of site contingencies and construction activities on existing Moore Street businesses (the independent store traders and the street traders) will be overwhelmingly adverse, that the impact of the constriction of access to Moore Street from Parnell Street arising from the proposed haul routes, vehicle movements and displaced parking arrangements for site operatives will be overwhelmingly adverse, and that the scale and duration of this adverse trading environment arising from the delivery of the masterplan phased over a 7 year period will create an unsustainable trading environment on Moore Street likely resulting in the failure of business for both independent store traders and market traders unless adequate resettlement or compensation measures are implemented.

For these reasons I contend that Condition 14 as drafted will fail to deliver the intended preservation of the quality and character of the Moore Street Market setting. This risks the further loss of the enduring character of Moore Street and the current independent store traders and market traders who cannot be replaced. This does not serve the proper planning and development of the city and I ask that An Bord Pleanála address this oversight in the decision to grant planning permission and introduce a meaningful, comprehensive Condition that will better serve the city.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'TR', is written over a horizontal line.

Thomas Russell BA BArch MSc MRPI
Director
For DMOD Architects

Encl. Observation Fee
Observation of a Planning Appeal Form, completed.