

File With _____

SECTION 131 FORM

Appeal NO: ABP 318268Defer Re O/H ☐Having considered the contents of the submission dated/ received 24/10/23
fromStephen Crox 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 planning
issues.E.O.: litaleDate: 21-11-23

For further consideration by SEO/SAO

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: _____

File With _____

CORRESPONDENCE FORMAppeal No: ABP 318268-23

M _____

Please treat correspondence received on 24/10/23 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____

2. Acknowledge with BP <u>40</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments online obs received fromStephen Tracytask no 358600-23**4. Attach to file**

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☒Lisa Quinn

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Done with code</u>	AA: <u>Cathy Carleton</u>
Date: <u>31/10/23</u>	Date: <u>1/11/23</u>

Validation Checklist



An
Bord
Pleanála

Lodgement Number : **LDG-067854-23**
Case Number: **ABP-318268-23**
Customer: **Stephen Troy**
Lodgement Date: **24/10/2023 12:27:00**
Validation Officer: **Dáire Littleton Caden**
PA Name: **Dublin City Council North**
PA Reg Ref: **5432/22**
Case Type: **Normal Planning Appeal PDA2000**
Lodgement Type: **Observation / Submission**

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

BP40 to observer. Enclose receipt. ✓

Update case narrative. ✓

Put on file. ✓

Turn page over ✓

C.C
1/11/23



An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference
NPA-OBS-002687

LDG - 067854-23

Online Observation Details

Contact Name
Stephen Troy

Lodgement Date
24/10/2023 12:27:08

Case Number / Description
318268

Payment Details

Payment Method
Online Payment

Cardholder Name
Stephen Troy

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☒ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

Dáire Litrí Códú

EO

Date

31/10/23

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3O4iIMB1CW0EN5FC0eGNsXy5

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

S.3.

File With

SECTION 131 FORM

Appeal No

ABP—

Defer Re O/H

☐

Having considered the contents of the submission dated/received
from _____ I recommend that section 131 of the Planning
and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

Section 131 not to be invoked at this stage.

☐

Section 131 to be invoked — allow 2/4 weeks for reply.

☐

Signed

Date

EO

Signed

Date

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

Dear An Bord Pleanala,

Troy's Family Butchers Limited would like to lodge the following observation on planning appeal ref: ABP318268-23 opposing the decision made by Dublin City Council on planning application 5432/22, which is one of multiple planning applications that was submitted for Dublin Central by DCGP, international investment fund HAMMERSON.

It is my understanding that An Bord Pleanala will make a decision on these multiple interdependent planning applications when they have reviewed all planning applications that make up the masterplan.

REASON 1:

Conflict of interest by DCC, The department of heritage and the strong possibility of laws being broken to assist these planning applications:

It has been confirmed by Chief Executive Owen Keegan that Dublin City Council were involved in a "commercially sensitive" compensation process in the spring of 2021.

The following is a DCC Chief executive response about the matter:

Question to the Chief Executive

Council Meeting 7th February 2022

Q.101 COUNCILLOR MICHEAL MAC DONNGHA

PLG To ask the Chief Executive the position regarding a reported offer of compensation to street traders on Moore Street in relation to planning applications still in the planning process; the amount of City Council funds committed to this purpose; if he considers it appropriate that a planning authority adjudicating on planning applications should offer such compensation; and if he will make a statement on the matter

CHIEF EXECUTIVE'S REPLY:

The matter of compensation for Moore St. Traders in the event of development has been discussed for many years.

The second cross party Ministerial Moore Street Advisory Group which published its final report "The Moore St. Report 2" in July 2019 recommended "In the exceptional circumstances of Moore St, Dublin City Council should establish an ex gratia compensation fund for current licence holders who wish to exit the Market." Throughout Dublin City Council's, Moore St. Market Expert Group process, during 2020, the matter of what would happen to the traders in the event of development was constantly raised.

The third cross party Ministerial Moore Street Advisory Group began meeting in early 2021. During these meetings there were again calls for a compensation fund for traders to be established, from both 1916 relatives and public representatives.

In the spring of 2021, prior to a planning application, and in the context of everything above, Dublin City Council's Housing & Community Services Department, Casual Trading Section began to engage in a commercially sensitive process to try and put a framework in place to compensate traders in the event of development.

This was a tripartite framework with DCC, Department of Housing, Local Government & Heritage and Dublin Central GP Ltd. (Hammerson) partaking to compensate traders as all three DCC, DCGP and the Dept. brought forward proposals that may have an impact on traders over the coming years: DCC on the upgrading of Moore Street, the Dept. on the restoration of the National Monument as a commemorative centre and DCGP on the delivery of the Dublin Central site and Enabling Works for Metrolink.

The third cross party Ministerial Moore St. Advisory Group subsequently recommended a compensation fund for traders to be established in its final report in May 2021.

Engagement on this matter has been ongoing but no agreement has been reached to date.

Contact: Colín O'Reilly, Assistant Chief Executive
E-mail: colin.oreilly@dublincity.ie
Tel: 222 2010

The chief executive states DCC's contribution was for the "upgrading of Moore Street" which I can only assume means upgrades to the public realm yet the planners report on all the applications passed by DCC states that any upgrades / repair works are the financial responsibility of the applicant. This is a standard condition with all private developments.

h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

i) The developer shall be obliged to comply with the requirements set out in the Code of Practice

This SECRET compensation process was solely set up to sway the final content of the MSAG report to a pro-Hammerson version and to remove the generational Moore Street Market Traders to assist this private developers planning applications.

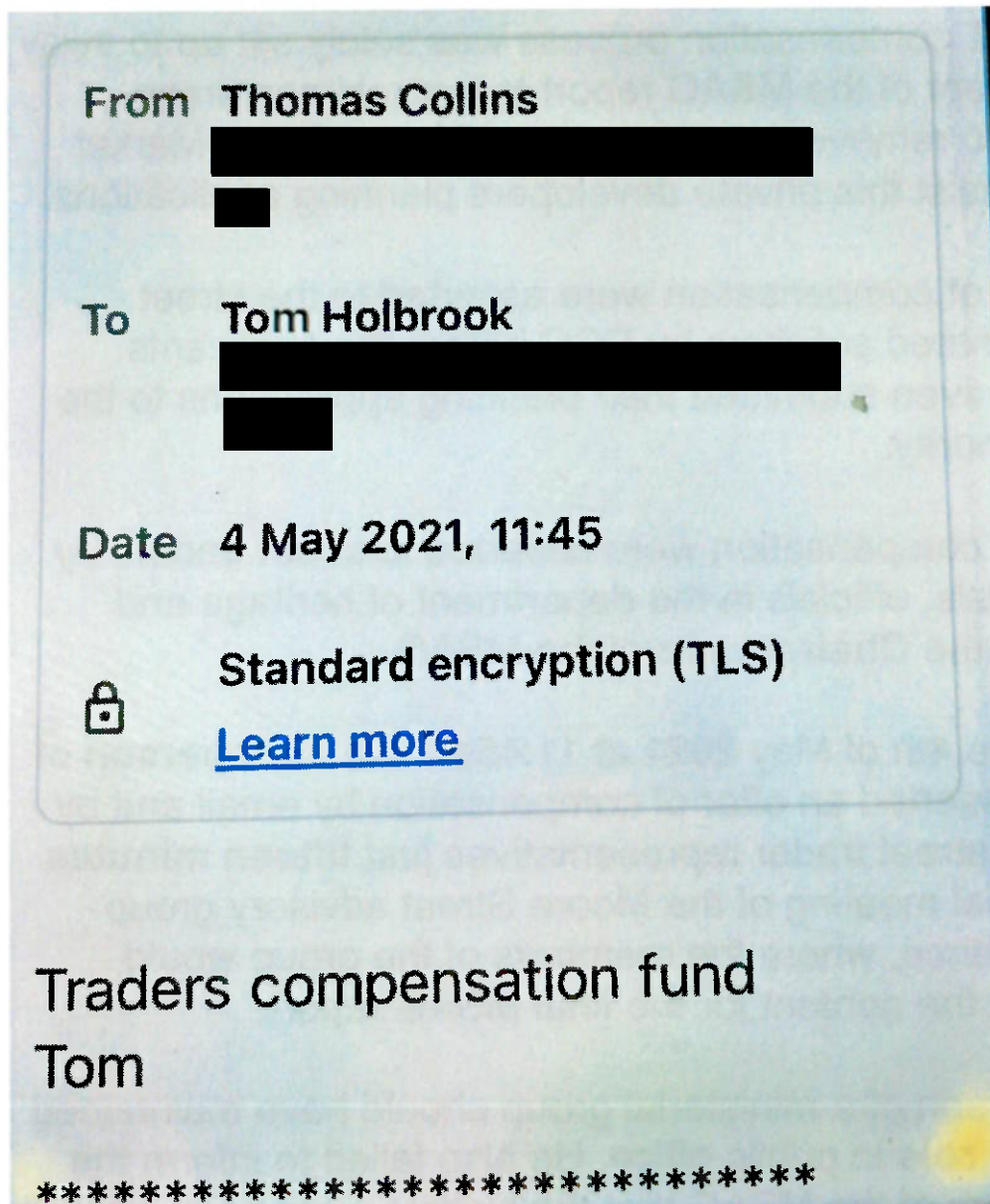
These offers of compensation were asserted to the street traders nominated solicitors by DCC before the applicants (DCGP) had even submitted their planning applications to the planning authority.

The offers of compensation were asserted to street traders by Council officials, officials in the department of heritage and incredibly by the **Chairperson** of the MSAG.

In fact, On the 4th of May 2021 at 11:45am the **chairperson** of the MSAG asserted an offer of compensation by email and by telephone to street trader representatives just **fifteen minutes** before the final meeting of the Moore Street advisory group would commence, where the members of the group would deliberate on the content for the final MSAG report.

The Chairperson of a ministerial group should have maintained an **unbiased role** in public office. He also failed to inform the other members of the MSAG that the traders were been offered the money in order to produce a pro Hammerson report. This is being described by some officials as a “commercially sensitive operation”.

Please see copy of the email sent from the Chairperson to the Moore street trader representative below. Hard copies can be furnished on request.



*The below email dated the 3rd of May 2021 at 9:22am from the Chairperson of the MSAG to officials in DCC and the Department of heritage proves the chairperson & Other officials also **failed** to maintain an unbiased role in public office.*

"Dear Terry/Coilin,

I have sketched out on the attached a brief note on the traders compensation fund. I think Ed Dobbs will deliver on it but I think he wants the proposal to come from you Coilin -if you are ok with that. If not, I am perfectly happy to send it on.

He says he will present it to the Hammerson people tomorrow morning assuming the traders, Dept and DCC are on board. We need to get this to him later today I haven't spoken with Tom Holbrook today either but I think he will go for this -unless the AOH can make a better offer!

Have a look and see if you are happy with the draft. We can talk anytime.

Tom"

It is clearly evident by this email that the **applicants** DCGP (a multi national investment fund) had an input and an **unfair influence** over the MSAG report and was directing senior officials and the chairperson on the compensation process **unbeknownst** to the other members of the MSAG.

It's disappointing to see in multiple other emails these senior officials (& others) were working tirelessly to produce a pro Hammerson MSAG report considering the loss of history and heritage at stake, not to mention the livelihoods of all generational independent businesses and market traders who have kept Moore Street Alive throughout their downgrading policy.

The contents of this report would **ultimately** decide on the future of Moore Street and would also determine whether the Cultural bill proposed by Deputy Aengus O'Snodaigh that was **UNANIMOUSLY** supported by cross party elected members of Dáil Éireann could progress further into legislation.

*The bill is **still** progressing through the various stages of the legislative process.

Minister Malcom Noonan stated in the Dail during the cultural quarter bill debate on the 24th of March 2021 that he would review the unanimously supported cultural bill in light of the MSAG report:

“Against the background of the imminent report of the Moore Street Advisory Group which is due to report to me shortly. I will clarify as I go along the importance of the report to the question of whether there is a case for the Bill to progress further... I will be asking the committee to thoroughly examine the Bill for those sorts of instances and indeed to assess the extent to which there is justification for the Bill to advance further in light of what emerges from the Moore Street Advisory Group’s report”

It is an offence to offer compensation with the intention of swaying or asserting an influence on members of a ministerial forum or to interfere with legislation supported by **elected** members of Dáil Éireann as outlined below.

I think the chairperson offering compensation to a member of the group just fifteen mins before the start of the final meeting is against the law as it asserts an improper influence on the outcome of the report.

The Street traders original submissions to the MSAG shows they were **venomously** opposing the Hammerson plan for the same reasons we are, it will simply force us all out of business!

Moore Street Market Traders Submission one on the Hammerson plan to the MSAG:

This is our submission on the Hammerson plan, as seen so far. We will only be addressing elements that are concerning to us and not get caught up on other aspects. We believe that it is a threat to the whole market. As Joe Duffy says "if I was to pick one place to represent our country, somewhere that captures its history, people, sounds, smells and colours it would be Moore Street"

Hammerson's plan by effect not by design will get rid of the market, its heritage, history, traders, customers and also any potential customers.

We understand that Moore Street needs to be developed but that should not be at any cost. Hammerson's proposal is too large-scale for us as traders to survive. The idea that we can trade during the projected construction phases are not realistic, especially during the demolition phases with numerous buildings being knocked down. We cannot and we will not put ourselves or our customers in danger as buildings are being knocked. Many of the stalls sell fresh fruit and vegetables or fish and there is a danger of contamination from dust, debris and diesel fumes during these phases, but also when building works begin, with trucks continually up and down the street.

There is also the noise pollution from these trucks, and from the large-scale construction works planned. This will make it near impossible to trade and will drive our customers away, making it impossible for market street trading to continue on the Street nearly 300 years after the market in the area first began to flourish [Moore Street: the story of Dublin's market district by Barry Kennerk, Mercier Press 2012]

The demolition for instance of 12/13 will for example be complicated given the need to at least retain the parting wall which has been shown to be pre-1916. SO their will be a 3-storey??? Wall standing by itself with building works going on around, obviously this would be in danger of collapse at any stage, thus endangering any stalls in the near vicinity. We are seeking a commitment that any demolition would not occur

during trading hours given the dust and the dangers involved and how that will impact on our livelihoods.

As no independent study has happened in time more discoveries may occur, resulting in more issues during the demolition process. This kind of knocking cannot happen in one day and if it did happen in one day, it would surely not be done to conservation standards, which would be a requirement of the planning. Therefore, it is not a simple thing like keeping us away for a few days while they are knocked. This will be knocked in phases if it is done correctly and it is these phases that will cripple us. We cannot afford to stay away during this time, and we cannot safely stay. On top of safety concerns knocking buildings and falling rubble on the street will result in dust and damage to stock, if you park your car near a building site, you get dust on it, but our products are not cars they are food, how can you expect customers to eat dust-filled fish or fruit?

The new lane at 18/19 will cause considerable hassle to several traders that are situated within this area, we have yet to hear how their concerns will be addressed and how the impact of such an entrance will be negated in the future. This entrance/arch plays a central role in the design and lay-out of the Hammerson plan and therefore it not just about moving one or two stalls from the mouth of the entrance, given the scale of people who will gather in this area -according to Hammerson projections, it will be near impossible for the other nearby stalls to operate properly in the resultant crowd.

This will mean even more stalls will have to be displaced from their traditional pitches, maybe to less attractive locations.

With O'Rahilly Parade being designated as a service entrance, it will be extremely disruptive, undermine footfall, cause traffic chaos, and undermine our deliveries and cause safety issues for the public and our customers walking within the area. Both entrances will cause considerable issues for us traders.

The projected footfall targets presented by Hammerson we believe are not realistic and to say that footfall would increase

by 6 million without saying what you are bringing into the area apart from a new building or two is naive. We simply cannot comprehend this. Claims that new shiny buildings will result in extra footfall without highlighting usage is fanciful. While we accept construction jobs will be created during the construction phase, there will be a loss of jobs, with shops, cafes and markets closing. And, it's not just on Moore Street that the effect of the large construction phase will be felt, Henry Street and Parnell Street will also suffer, as they have in the case with the Luas works.

Remember also the Hammerson plan requires the temporary shops on Moore Street to close, thus it will also mean less customers/pedestrians -footfall- on the street, therefore the market as a consequence will suffer also. The local jobs market, mainly retail, during construction will be destroyed. Building sites are not very attractive, equally with buildings being knocked down these retail outlets will be gone. With extra traffic, mainly construction related, the Parnell street side will effectively be closed off, our market will be decimated.

To add insult to injury, the recommendations that were within securing history one 2017 and also securing history two in 2019, the very document this forum is supposed to be implementing has not been delivered thus far and the elements that the Hammerson plan could deal with have not been addressed. Any endorsement of this Hammerson Plan (construction phases) ect.. would not only be destroying Moore Street buildings and its fabric, but would also be destroying the market and threatening its very existence and our livelihoods. We will not survive the seven to ten years project estimated by Hammerson for their plan to be completed.

Traders and their reps joined the ministerial group under the chairmanship of Gerry Carney in 2016, and subsequently by Thomas Collins. We are still part of the current group 2021, with no trader recommendations implemented in either securing history 1 or securing history 2. We joined in good faith and were hopeful with our continued engagement that we would have got

somewhere and made some progress, but thus far this has not happened. To say we are disappointed is an understatement. Finally, we have the threat of years of construction and disruption facing us going forward. As we are the only group on this forum that depends on Moore Street to provide for our families into the future, it is looking a bit dismal.

Tom Holbrook

Cathrine Kennedy Margaret Hanwway MSTC

March 2021 Submission two:

We will not repeat everything that we said in our submission to the Hammerson plan, but we stand over it. We would like to add to that document by stating the following, both these submissions should be taken together in one combined submission by us Moore Street Market Traders.

We as Moore Street Market Traders have two problems, one that the area needs investment, and two, the only concept that people in power seem to care about is the Hammerson plan, but we have been here before. For more than 20 years Moore Street has been let fall into decay, it is not the fault of the market traders that this site is in such disrepair it is the fault of the past governments, old council officials, and Developers that have let it get to this state. We do not want to be talking about how much of a waste ground Moore Street has become in two, three- or five-years-time and we certainly do not want it to take seven to ten years like the Hammerson plan is and the idea of waiting that long for it to be revamped is not very appealing to us.

Unlike some on this forum, we represent the interest of our members, when we speak, we do so with the support of our members, not simply three people. People seem to think that it is Tom, Margaret or Catherine that has a problem. We all have a problem, that problem is our livelihood is at risk. That is what we care about some people may be on organisations that are supposed to save Buildings we are not on it for that, we are on

it to save our livelihoods. We are not aligning ourselves with campaigns that want to save the 1916 buildings or an association that is campaigning to destroy the 1916 buildings. While we may admire people that stand up for what they believe and the interests of the people they serve. We are not aligning ourselves with anyone, we are aligning ourselves in our own collective interests. When this is all over, we will be able to look back and say we did the best for the interest of the livelihoods of the Market Traders, we will not be embarrassed by our actions when this is done and dusted. Hopefully, Moore Street will not be a pile of dust but if we can at least say we fought the good fight for us traders and the people responsible for its destruction will be politically held accountable in time. We want the Moore Street Market saved; a campaign group Save the Moore Street market is something that we are strongly considering setting up. It is as under threat as the 1916 buildings are. Any politician that votes or supports the Hammerson plan is supporting and voting to get rid of the Market and local businesses within the area. We know politicians are worried about voting for the destruction of the terrace but what some politicians, not all in fairness to them, are also forgetting is that, if they vote for the planning permission, they are voting to destroy our market. They will have to live with that vote for up to ten years while we are without an income, during which a considerable number of local businesses will be gone bust as well as having the Historic Market gone. These developer lead politicians will be canvassing for at least two general elections while Moore Street is a vacant lifeless building site of rubble. Any politician that says to us, we will destroy Moore Street for ten years but do not worry in ten years we will have Moore Street sorted. Our response will be, ok then we will wait for ten years to vote for you and vote for someone else in the meantime, but do not worry in ten years you will have our vote after we the market traders are replaced with someone else. Then after you as a politician are replaced by someone new.

We would also ask you to realise that we are not foolish people, the words 6-acre site development and minimal disruption do not go together because it is impossible. Even people that build small houses cause disruption, people that build 6-acre sites cause devastation for the surrounding area and no one will fool us into thinking otherwise, if they fool you that is on you. We would question the motivations of any individual on this forum that is a campaigner for a private developers' plan, that has no usage for its buildings, that has fanciful footfall and job numbers while at the same time destroys the Market, the battlefield site, and local businesses. We are puzzled as to how people can take the will of a developer to destroy heritage and businesses for a developer's profit gain.

As we said before we welcome investment into the area, we want the area to be revamped but not if it means us losing our livelihoods. We also welcome the investment into the area but putting money into a market just before it will effectively be closed for 7 years or up to and including forever is not a good investment, the same goes for 14-17 Moore Street, we welcome the idea that it will become a Museum but it will not be a very successful Museum as its grand opening will be on a building site. Then there is the Hammerson plan as a concept, how can we get excited by drawings of buildings, not many people go to an area to look at a building of non-importance, we do not care how good the buildings look or should we say will look in 2031. When people ask us what they are building on the site. All we can only say is new shiny buildings, with no real usages.

Possibly it could be a new shopping quarter, which will also not get people excited about a shopping quarter in town, not when the area is surrounded by them. We do not doubt if you polled people from the area would they prefer a new shopping centre and lose the market, it will not go down well, we believe the market will always win out.

We will also not be bullied into supporting a bad plan or threatened to get us to move from Moore Street or curtailed to one side of the street. We will also not look favourably on

people that tell us they support us and think we are great in comfort letters, while they use their legal powers to destroy us. That is a flawed laughable plan which we will protest like never before. On that topic, we do not believe that Hammerson is the only alternative as we heard that before we have had many Paul Clinton is developer group, Chartered Land, the Burke report, Darragh Ó Brien TD is Bill, all these plans come and gone without action. We currently have other alternatives Aengus Ó Snodaigh's Bill is one, the Moore Street Trust, the Green party plan all these are alternatives. Some of these plans are far more favourable to the market, whereas the Hammerson plan destroys it. As such, it is our full intention to oppose the Hammerson planning permission, on this forum, via a planning application objection, at oral hearing objection, Street protest, protests and marches against politicians who support the planning permission, in the media and we will go legal if we have to. We will use all those avenues necessarily to stop our livelihoods from being destroyed.

That is not forgetting that over the years many politicians on this forum have been a great support to us, we would welcome their continued support and hope they are as brave as the Tony Gregory and Christy Burke. We also look favourably on the politicians that will support Aengus Ó Snodaigh TD is Moore Street bill as that bill gives us permanency and give the market increased recognition which will hopefully spring a true revival of the Market. We support, the bill as it seems to ensure that the needs of the market traders are protected and catered for into the future. We hope it gets through different stages in the Oireachtas and take there is no watering down of the provision for a permanent street market. The market must be protected and so it can flourish once more.

We traders are exhausted with all the false starts and want some long-term protection going forward not long-term persecution,

Thank you

Moore Street Traders Committee

***It is crystal clear that the street traders were strongly opposing the Hammerson plan by their submissions to the MSAG group and The Chairperson amongst senior officials in the Department of Heritage, DCC, and the applicants tried to influence them by asserting improper offers of compensation. The fact the street traders left the final meeting due to the pressure put on them still impacted on the vote and undoubtedly influenced the final report!**

(Village Magazine Oct 2023)

Moore evidence

Newly revealed letter gives impetus for failed Garda probe into bribery of Moore St traders

By Frank Connolly

A submission to Dublin City Council (DCC) objecting to the application by Dublin Central GP Ltd, a subsidiary of UK company, Hammerson, for a major shopping complex extending from O'Connell Street to Moore Street has raised further questions about an alleged offer of compensation to street traders in return for their support for the development.

Stephen Troy, who owns a butcher shop on Moore Street, has included in his submission to DCC email correspondence from the chairman of the Moore Street Advisory Group (MSAG), Tom Collins, to senior officials of the Department of Housing Local Government and Heritage (DHLG) and of DCC.

The email was sent on 3 May 2021 to Terry Allen of DHLG and C6lin O'Reilly of DCC just three days before the MSAG submitted its final report to the heritage minister, Malcom Noonan. It refers to an offer of compensation to those street traders who had not committed to supporting the Hammerson development plans. It mentions the development director of Hammerson Ireland, Ed Dobbs, in the context of the compensation offer as well as a representative of the street traders, Tom Holbrook.

Collins wrote:

"Dear Terry/Collin

I have sketched out on the attached a brief note on the traders compensation fund. I think Ed Dobbs will deliver on it but I think he wants the proposal to come from you Collin - if you are ok with that. If not, I am perfectly happy to send it on.

He says he will present it to the Hammerson people tomorrow assuming the traders, Dept and DCC are on board. We need to get this to him later today. I haven't spoken with Tom Holbrook today either but I think he will go for this...

Tom".

According to Mr Troy, the email suggests that Tom Collins, the independent chair of the MSAG, was involving himself and officials of DHLG and DCC in an offer of compensation to street traders in return for their support for the Hammerson development.

"It is very disappointing to discover that the

chairperson of the MSAG who should hold an unbiased role in public office was aware of, and most certainly involved in, the secret compensation process between DCC, DHLG and Hammerson without informing other members of the forum (MSAG) what was going on in the background", Troy said in his submission to DCC in September last.

Village reported earlier this year that an offer of €1.7 million was made to trader representative, Tom Holbrook, in advance of the final report being agreed by the MSAG in early May 2021. The traders refused to endorse the Hammerson proposal and walked out of the meeting. The

“

Here is the chair of the MSAG seemingly negotiating a compensation package that was not his role. He never informed the MSAG

proposal put to the street traders stated DCC and DHLG along with Hammerson would each contribute to the compensation fund.

As previously reported by Village, DCC has confirmed that it would contribute at least £200,000, DHLG at least €300,000 and Hammerson €1 million of a proposed €1.5 million compensation package.


In his submission to DCC, in which he objects to the planning application by Dublin Central Ltd., Holbrook claims that he was subjected to "intense pressure" to support the development.

"As reps on the Moore Street Advisory Group we had to partake in voting as part of our remit to get the reports (completed). The pressure we...were put under to vote for a pro Hammerson project by officials in D.C.C./Department of Heritage/National Monuments and Independent chairs (sic) was tremendous and horrendous and quite frankly wrong", Holbrook wrote.

In its final report, MSAG supported the establishment of a compensation fund for the Moore Street traders due to the disruption that will result from extensive and lengthy construction work in the area. It did not recommend compensation for businesses on the street despite requests by Troy Butchers, owned by Stephen Troy and by MSAG member, Aengus O'Snodaigh, TD.

In response to the email correspondence from Tom Collins to the Department and DCC officials as disclosed above, O'Snodaigh said:

"Here is the chair of the MSAG seemingly negotiating a compensation package that was not his role. He never informed the MSAG. The independent chair whose job was to get agreement from all of us on a report to the minister was negotiating without our authority".

He added that he is "unhappy" that the Garda has declined to establish a criminal investigation into allegations of impropriety surrounding the compensation fund proposal. 



Votes for money (Ministers Advisory Group) is against the law 'under Criminal Justice (Corruption Offences) Act 2018.'

This offence is highlighted in section 6 of the act: Active and passive trading in influence

6. (1) A person who, either directly or indirectly, by himself or herself or with another person— (a) corruptly offers, or (b) corruptly gives or agrees to give, a gift, consideration or advantage in order to induce another person to exert an improper influence over an act of an official in relation to the office, employment, position or business of the official shall be guilty of an offence.

(2) A person who, either directly or indirectly, by himself or herself or with another person— (a) corruptly requests, (b) corruptly accepts or obtains, or (c) corruptly agrees to accept, for himself or herself or for any other person, a gift, consideration or advantage on account of a person promising or asserting the ability to improperly influence an official to do an act in relation to the office, employment, position or business of the official shall be guilty of an offence.

(3) For the purposes of subsections (1) and (2), it is immaterial whether or not— (a) the alleged ability to exert an improper influence existed,

(b) the influence is exerted,

(c) the supposed influence leads to the intended result, or

(d) the intended or actual recipient of the gift, consideration or advantage is the person whom it is intended to induce to exert influence.

section 8 of Act:

Giving gift, consideration or advantage that may be used to facilitate offence under this Act

8. A person who gives a gift, consideration or advantage to another person where the first- mentioned person knows, or ought reasonably to know, that the gift, consideration or advantage, or a part of it, will be used to facilitate the

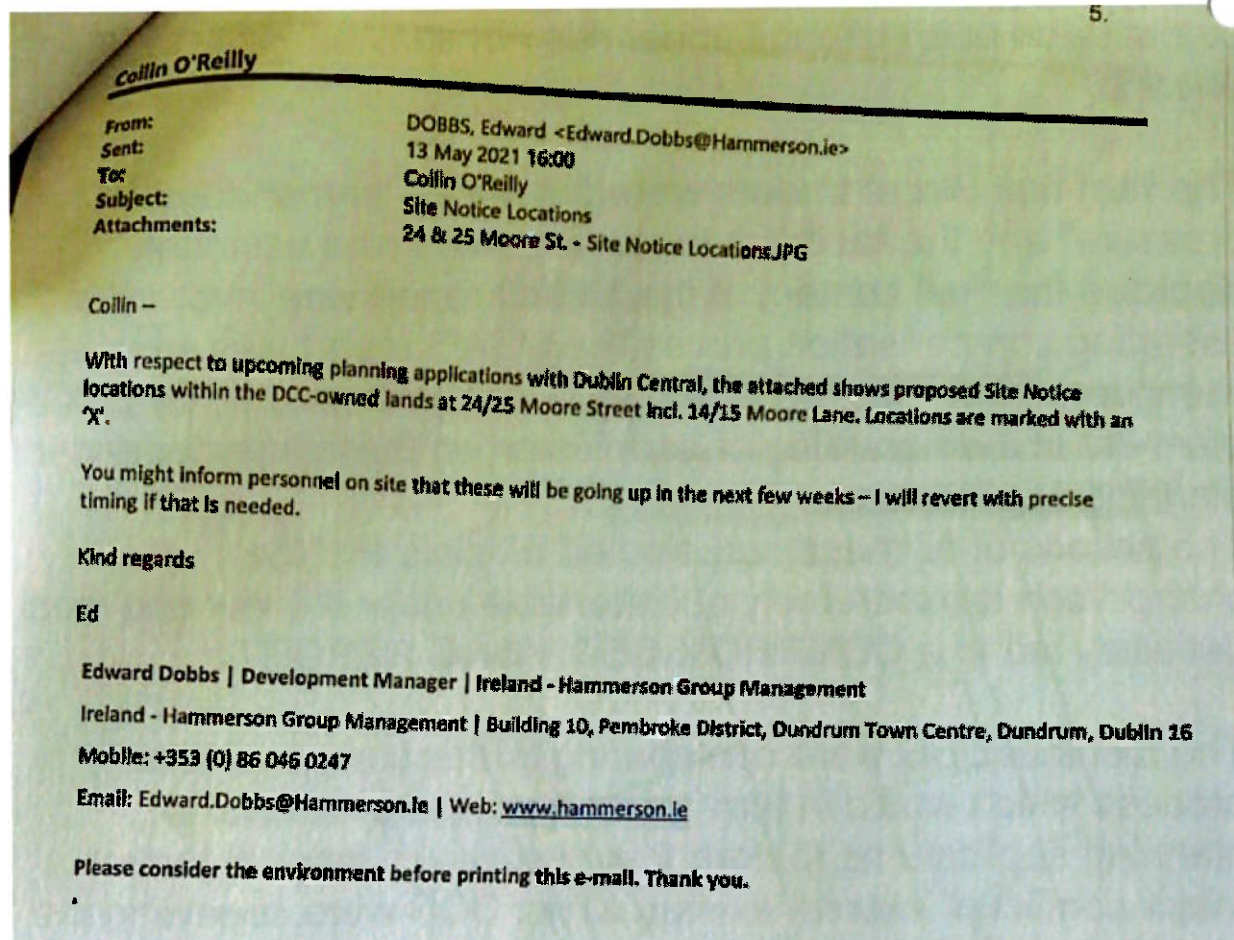
commission of an offence under this Act shall be guilty of an offence.

The **fact** that Street traders were put under “tremendous pressure” and the **fact** that the chairperson who ultimately **decided** the final content of the MSAG report was involved in asserting compensation proves the MSAG report was severely **compromised**. This report is continuously referenced by DCC planners in their granting of permission on these interdependent planning applications.

The actions of all these non elected officials and the chairperson are extremely questionable under the law and most definitely led to a **COMPROMISED MSAG REPORT**.

The fact that DCC were contributing to this compensation process which would in turn assist a private developer’s planning applications (before they were even lodged) proves a major conflict of interest existed whilst DCC were reviewing the planning applications.

We are told in an email dated 5/4/2022 from Deputy lead Planner Mary Conway that the applications were assessed separately to the compensation process yet a freedom of information request reveals email correspondence between the council official (who was highly involved in the compensation process) and the applicant in relation to an integral part of the planning process. The email below suggests the applicant had a direct link to the planning department.



The Chief Negotiator gave the applicant jurisdiction on a planning matter.

From: Coilin O'Reilly
Sent: 13 May 2021 16:04
To: 'DOBBS, Edward' <Edward.Dobbs@Hammerson.ie>
Subject: RE: Site Notice Locations

Ed,
I have asked those that need to be asked. If you hear nothing back from me go ahead.

Regards,

Coilin O'Reilly

Director Of Services – City Recovery|Dublin City Council
Stiúrthóir Seirbhísí – Téarnamh Cathrach|Comhairle Cathrach Bhaile Átha Cliath

Mobile: 086 3835019

Email: coilin.oreilly@dublincity.ie

Designated Public Official under the Regulation of Lobbying Act 2015



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council



The fact that DCC had decided they would contribute to the compensation fund before the applications were even lodged for scrutiny by the planning department suggests to me they had already made a decision on these planning applications, otherwise the offers of compensation would have been made **AFTER** the planning process had taken place not weeks **BEFORE** the planning applications were even submitted.

We would like to remind An Bord Pleanála that under section 30 of the planning and development act that the Minister is **precluded** from bearing any **influence** on any planning application that should come before The planning authority or An Bord Pleanála yet his department were involved in contributing to this questionable compensation process.

The applicants should be the only persons responsible for compensation in the interest of “**PROPER**” planning.

We are also told by email dated 29/08/23 from the the principal officer in National monuments (Emer Connolly) that the only input from Hammerson into the MSAG was to present their plans for Dublin Central to the members of the group however the email above strongly contradicts that as we can all clearly see the applicants had been directing the chairperson on which official was to offer the money to the street traders unbeknownst to the other members of the group. Senior officials still desperately trying to cover up what can only be described as a circus.

In your third email of Friday 7th July you assert that a *'private developer had input to a group that they were not party to and those facilitating their access to the forum played an essential role in finalising the MSAG report'*. All access to the forum that was given to the private developer was open and transparent and was approved by the MSAG members and took the form of the private developer presenting their plans for development of the Moore Street area and answering questions from the members of the MSAG.

Other emails below also show that Terry Allen and Nessa Foley from National monuments were advising Hammerson of replies in relation to queries from members of the MSAG in relation to the historic fabric of the buildings unbeknownst to the group.

Senior officials and others in the Dept of Heritage and Dublin City Council working tirelessly for and in the best interest of a

private developer. These actions alone clearly show the conflict of interest by those who were involved in compiling the final report.

David Farrell (Housing)

From: Nessa Foley (Housing)
Sent: Thursday 21 April 2022 10:54
To: David Farrell (Housing)
Subject: FW: MSAG Meeting Friday 16th April
Attachments: FW: Images

From: Terry Allen
Sent: Tuesday 20 April 2021 17:00
To: Edward.Dobbs@Hammerson.ie
Cc: Nessa Foley <Nessa.Foley@housing.gov.ie>
Subject: FW: MSAG Meeting Friday 16th April

Ed
Please see below from Nessa to clarify what I was asking you about earlier for MSAG members and what you might say in your reply.
Terry

From: Nessa Foley
Sent: Tuesday 20 April 2021 15:43
To: Terry Allen <Terry.Allen@housing.gov.ie>
Subject: RE: MSAG Meeting Friday 16th April

It was from the time that she presented to the group. Not from last Friday. It's Maol Iosa's reports to Hammerson and particularly concerning any finds related to fabric pre 1916. He said he(we?) don't need the full reports, just the images therein. I've attached JCH's email. Ed has previously said that everything that's needed is in the report we already have.

I think Ed might say that these are part of the planning permission application and that he doesn't want to release them prior to it in case it's leaked.

From: Terry Allen
Sent: Tuesday 20 April 2021 15:28
To: Nessa Foley <Nessa.Foley@housing.gov.ie>
Subject: FW: MSAG Meeting Friday 16th April

Nessa
We will need to be specific.
T

From: DOBBS, Edward [mailto:Edward.Dobbs@Hammerson.ie]
Sent: Tuesday 20 April 2021 15:21
To: Terry Allen <Terry.Allen@housing.gov.ie>
Subject: RE: MSAG Meeting Friday 16th April

She wasn't there. I can't remember to be honest. You'll have to find out from Tom

Edward Dobbs | Development Manager | Ireland - Hammerson Group Management

Ireland - Hammerson Group Management | Building 10, Pembroke District, Dundrum Town Centre, Dundrum, Dublin 16

Incredibly Hammerson have lodged judicial review proceedings against DCC on the basis of interfering with the planning process as elected Councillors have endeavoured to protect more of the historic terrace buildings.

REASON 2: LOSS OF HISTORIC MARKET as PER COMPROMISED MSAG REPORT:

The loss of the market and the demolition of the iconic terrace buildings is **justified** by Dublin City planners by the recommendations of the **COMPROMISED** MSAG report:

Impact on Moore Street Markets

(Taken from Planners report)

The Masterplan Design Statement sets out three key principles to support the Moore Street Markets:

- Restore the unique character and vibrancy
- Respect and enhance street market trading
- Consider new market vision with stall holders and DCC

The Statement considers that improved permeability across the wider masterplan area, including the eventual Metro entrance which is part of the subject site and will enhance pedestrian footfall along Moore Lane and onto Moore Street. Furthermore, the statement considers that the overall rejuvenation of the street with new buildings responding to historic plot widths, heights and materials will strengthen the historic and market character of the street.

The Planning Authority acknowledges the number of submissions received in respect of the impact the proposed development at Site 2 (and the wider Masterplan) will have on the Moore Street markets and many of the submissions centre on the construction period and its anticipated negative impacts on the market and livelihoods in the area.

In May 2021 the Moore Street Advisory Group (MSAG), published a report to the Minister for Heritage and Electoral Reform. The report sets out a series of Terms of Reference for the MSAG of which one refers specifically to engagement with Hammerson, the development site owner, and sets out discussions held to date, positive aspects of the proposals including specific reference to important buildings but also recognises that there is not universal support for all aspects of it. The report notes the complexities of undertaking a development of such a scale and suggests that "compromise between stakeholders on individual components of the total picture is necessary".

The MSAG accepts that it will not be possible for the street traders to continue to operate on Moore Street while any major redevelopment scheme is under construction. As there is no suitable alternative location to where they could move temporarily while the works are in progress, the MSAG recommends that an adequate and appropriately structured compensation package should be put in place for the traders as soon as possible.

Dublin City planners have **failed** to consider the **loss of footfall** generated by the Moore Street Market or the **financial impact** to trade that will undoubtedly occur for Independent store traders when the Moore Street Market is removed throughout the lengthy construction phases for the next 10-15 years.

Dublin City Council have a **duty of care** to rate paying businesses and in recent months we note DCC's efforts to revitalise the Moore Street Market by introducing additional market traders to the Moore Street area with the aim of **creating** footfall and **generating** business for all traders on Moore Street, so I'm certain they are fully **aware** what will happen when the generational street traders are removed to facilitate these planning applications.

The market and retail district will become a **NO GO** area for shoppers and will be replaced by a 5.5 acre construction site of chaos. The character of this famous Market will be destroyed for an inordinate amount of time and the very few independent businesses who have survived the negligent Management of the area to date by all the aforementioned contributors involved in the compensation process will be forced out of business.

REASON 3:

DURATION of PERMISSION:

There is absolutely no regard for Independent business owners who have already endured the applicants prolonged downgrading programme on Moore Street for the past 7/8 years by allowing a proliferation of over 20 second hand mobile phone outlets occupy the iconic terrace buildings. These retail units have been poorly fitted out and illicitly subdivided into multiple retail units posing outlandish signages, they are all operating without the relevant planning permission or change of usage notices.

This has destroyed the visual amenity of the retail district and businesses and market traders in the vicinity have already suffered as a result of their negligent management of the area. Ironically, DCC have failed to enforce planning laws in the area despite substantial complaints to planning enforcement?

DCC's negligent management of the retail district coincided with the pro-longed dereliction of the national monument despite funds been allocated since 2015 for "its immediate restoration" has undoubtedly contributed to the negative impact on trade and is the main cause of people's poor perception of a once vibrant and very successful market place.

It's absolute nonsense that DCC planners think we could survive an 11yr (**without delays**) construction programme on the doorstep of our fresh food premises. *We note perishable goods businesses will suffer most during the construction disruption that will inevitably arise whilst the applicants demolish and rebuild the city centre retail core over a 10-15yr period.

The suggestion from planners that the Dublin Central proposals will benefit the surrounding environment post completion is useless to independent store traders who will be forced out of business during the lengthy overlapping construction phases.

It's very concerning the applicants have requested to decimate the existing retail shopping core for a lengthy period of 11 years without any **direct engagement** with the independent businesses in the immediate vicinity of the site who have created employment and played a significant role in positively enhancing the retail shopping core for generations.

The **impacts** of this large scale project are **dramatically understated** considering the loss of trade on Moore street that will undoubtedly occur. I suppose the applicants felt they didn't have to engage with us when they had senior officials in DCC, The department of heritage and the Chairperson of the MSAG (**secretly**) acting in their best interest!

No planning permission should be given that exceeds the standard 5yr limit. This could if permitted set a dangerous

precedent and can be argued is not permissible under the planning laws and cannot be facilitated especially in a busy trading, historical and cultural area in the very centre of our capital city.

Any planning permission should be for the standard 5 years with any possible extensions being only considered after a review that on-site works have significantly progressed otherwise the applicant can sit on the site for for years which would lead to the retail district in the terrace buildings been left in an undesirable condition for the foreseeable future. *I believe due to the length of time that the retail tenants have been occupying the terrace buildings, DCC can NOT enforce planning laws or insist on an appropriately fitted out retail district.

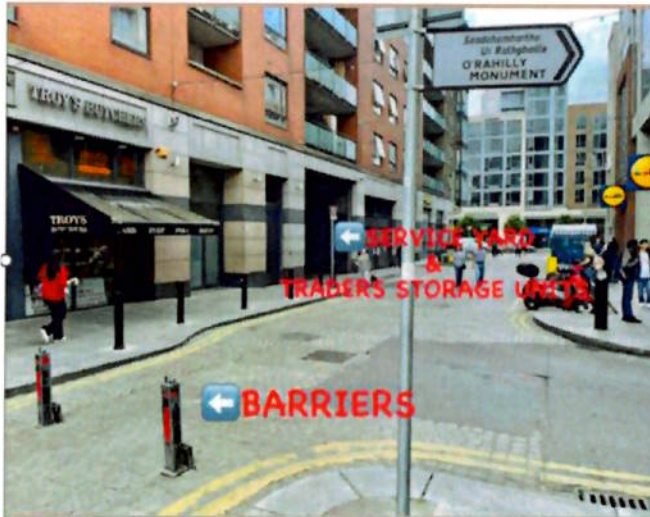
It's quite clear that DCC were asleep at the wheel whilst managing the Moore street retail district or were they purposefully facilitating this developer?

REASON 4:

FLAWED TRAFFIC PLAN:

It's absolutely incredible that DCC have passed the applicants **FLAWED** traffic management for this 5.5acre construction site considering the applicants themselves continuously state within all their applications the limited access and regress to the site compounds. A preliminary traffic plan isn't sufficient considering the scale of the project surrounding the existing retail shopping core and planners asking for an up to date traffic management plan to be provided to them before the works commence removes the opportunity for severely impacted stakeholders (like us) to lodge observations on the same.

We are told that construction traffic will enter via Moore Street and onto O’Rahilly Parade and egress via Moore Lane. Our fresh food store is located before the bollards that are erected at 11:am on the junction of Moore Street and O’Rahilly Parade.



This means we will be constantly impacted by the construction traffic entering site 5 and the various other site compounds for an inordinate amount of time until the project is completely finalised. It's my understanding site 5 will be the last to be constructed due to it acting as a servicing compound for other tranches of the site.

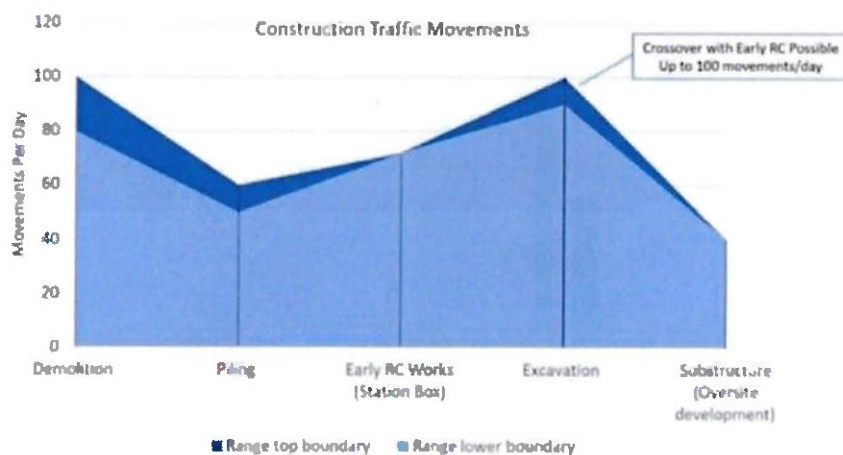
There are also multiple service yards that are not under the 11:am delivery curfew as they are not located beyond the bollards and are reachable after 11:am.

Many businesses use these accessible service yards for goods inwards and outwards as the curfew has **never been enforced** because the haul route is not impeded by the barriers that are erected at 11:am.

CONSTRUCTION TRAFFIC PROJECTIONS VIA MOORE STREET / O'RAHILLY PARADE

METROLINK Access / egress for construction – vehicle movements

O'Connell Street Station – Construction Traffic Volumes

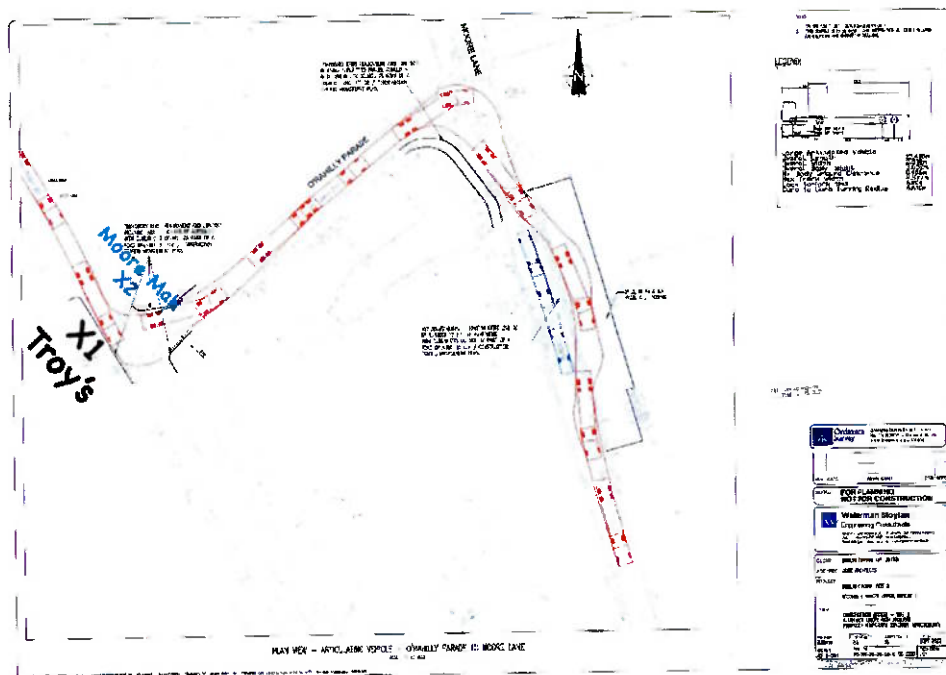


**80-100 LORRIES DAILY
ACCESSING FOR METRO
ENABLING WORKS**

We are told there will be **junction widening** at our shop front and outside the entrance to the underground Moore Street mall which will have a detrimental impact on the safety of customers accessing and regressing from out our fresh food store.

X1=Troys Butchers

**X2=Moore Mall access/exit
(Underground)**



First and foremost, We would like to point out that right next to our shop is an **emergency exit** for the 1000s of people residing in the Greeg Court Apartment block.

It is clear from this diagram the trucks will be impeding on our shop front and this emergency exit to make the extremely tight turn from Moore Street and onto O'Rahilly Parade.

This will inevitably result in spillages on the haul route leading to an **overbearing impact** of dust, noise pollution from construction traffic, diesel fumes where people normally linger to observe our multi award winning window display. Hosing roads will result in customers walking wet mud into our fresh food premises.

We also note that our sun awning already borders the existing junction so curtailing the footpath won't aid the lorries in making the tight turn onto O'Rahilly Parade as the blind will still obstruct their access.

This sun blind was granted planning permission to ensure we could comply with the legal temperature control for food safety law.

Reason 5: FLAWED SUNLIGHT ANALYSIS:

Dublin City planners justify the loss of sunlight along O'Rahilly Parade that will severely impact the residential sun balconies and commercial units at Greeg Court by stating that at present we receive relatively low levels of sunlight and post development there will be plenty of sunlight on the new public square.

Ironically, instead of trying to preserve the low levels of sunlight received at Moore Street North (Greeg Court) they give the go ahead to make sure we receive barely any at all post development.

This will have a huge financial impact on the residents in Greeg court who have paid substantially more money for their sun balconies with their apartments. The loss of sunlight will also

directly impact the living spaces of their homes and our business at ground level. This is **NOT** a fair analysis or justification by DCC planners and will also be challenged at judicial review.

REASON 6:

Treated unfairly by the planning process.

It is My understanding that the whole purpose of taking a judicial review is if you feel like you have been treated unfairly by the planning process.

I trust An Bord Pleanala understand the stress we as a generational family business are under to discover that **DCC** and The **Department of heritage** have been in cahoots with this applicant and were working tirelessly in the background to get these planning applications over the line.

Minister Noonan has said on The Dail record that the compensation was for business disruption to the street traders yet there are no provisions in place for independent store traders expected to survive on a derelict marketplace for the next 11yrs (+) amidst a construction site of Chaos.

313. Deputy Mary Lou McDonald asked the Minister for Housing, Local Government and Heritage the discussions his Department has had with regard to a proposed compensation scheme for street traders on Moore Street in relation to the current planning applications by a company (details supplied) such compensation being payable if permission is granted; the proposed sums of money that would be allocated to this scheme by his Department; if his attention has been drawn to the fact that the Moore Street Advisory Group recommended a compensation scheme involving the traders and the developer only; if he regards such discussion as appropriate given that the planning applications referred to are live and under consideration by An Bórd Pleanála and Dublin City Council; and if he will make a statement on the matter.

[15878/22]

[View answer](#)

Written answers (Question to Housing)



Minister of State at the Department of Housing, Local Government and Heritage

The Moore Street Advisory Group (MSAG) presented its final report in May of 2021 to Minister O'Brien and myself. In this report, the MSAG recommended that an adequate and appropriately structured compensation package should be put in place for the traders as soon as possible, in the context of forthcoming disturbance due to development works.

It also recommended that the process should commence immediately involving the traders and the developers. Development works at the National Monument at 14-17 Moore Street will be carried out on behalf of the National Monuments Service and the State and therefore the recommendation referred to the State also in so far as works at that National Monument are concerned. There are currently no open discussions with traders or their representatives.

We are told that the Departments contribution was because the planned works at the national monument would disrupt the street traders place of work, but I can't comprehend how all 17 traders would be impacted by such works.

The traders on the lip of Henry street who are no where near the National monument and the trader outside Lidl who is further from the national monument than our business is are all getting compensated?

I will say the very few remaining independent store traders and the street traders at Henry place who will be equally impacted but had no vote on the MSAG were **NOT** included in the compensation process.

Whist the Deparment have said in recent correspondence that they have removed themselves from the compensation process because the planning applications are live, they were still colluding with the developer in relation to the

compensation process at the pre-planning stage which is also apart of the over all planning process.

I'm sure if the applications were to be passed, the street traders will be compensated to vacate the market place whilst there's a strong possibility that Independent store traders could be left pursuing six different developers if the applicants sell on the sites to six different developers. The sites in question are a much easier sell if the market traders are out of the way!

Incredibly in the planners report (below) on this planning application there is a reference to a "perceived interference" with the planning process", the documentation provided within this observation clearly proves that Senior officials in DCC, The Department of Heritage, and The chairperson of the MSAG were colluding with the applicant.

Impact on Moore Street Markets

The Masterplan Design Statement sets out three key principles to support the Moore Street Markets:

- Restore the unique character and vibrancy
- Respect and enhance street market trading
- Consider new market vision with stall holders and DCC

The Statement considers that improved permeability across the wider masterplan area and the overall rejuvenation of the street with new buildings responding to historic plot widths, heights and materials which will strengthen the historic and market character of the street.

The Planning Authority acknowledges the number of submissions received in respect of the impact the wider masterplan will have on the Moore Street markets and many of the submissions centre on the construction period and its anticipated negative impacts on the market and livelihoods in the area.

In May 2021 the Moore Street Advisory Group (MSAG), published a report to the Minister for Heritage and Electoral Reform. The report sets out a series of Terms of Reference for the MSAG of which one refers specifically to engagement with Hammerson, the development site owner, and sets out discussions held to date, positive aspects of the proposals including specific reference to important buildings but also recognises that there is not universal support for all aspects of it. The report notes the complexities of undertaking a development of such a scale and suggests that *"compromise between stakeholders on individual components of the total picture is necessary"*.

The MSAG accepts that it will not be possible for the street traders to continue to operate on Moore Street while any major redevelopment scheme is under construction. As there is no suitable alternative location to where they could move temporarily while the works are in progress, the MSAG recommends that an adequate and appropriately structured compensation package should be put in place for the traders as soon as possible.

As outlined in previous planning reports affecting the Masterplan site, any compensation agreement would be dealt with and agreed outside the realms of the Planning process and as such, consideration of the loss of the markets, on a temporary basis in any case, is considered here having regard to the impact in planning terms. Development Plan policy CEE18 seeks to *"recognise the unique importance of Moore Street Market to the history and culture of the city and to ensure its protection, renewal and enhancement, in co-operation with the traders as advocated by the Moore Street Advisory Committee Recommendation relating thereto."*

The additional comments in relation to perceived interference in the independence of the planning process is also noted and is outside the scope of this assessment.

In acknowledging the comments of third parties in relation to the inability of street traders to operate during construction, it is considered that the proposed development, post construction, will offer a significant opportunity for the markets to flourish and rejuvenate, resulting in additional footfall drawn through the area through a combination of new pedestrian routes and an eventual Metro entrance on Moore lane as proposed as part of Site 2.

We understand that An bord Pleanála determine planning applications on merit, however, An Bord Pleanála have a **legal**, **moral** and **ethical** duty to ensure the democratic planning process is upheld and laws have not been broken to assist such planning applications.

We trust An bord Pleanála will reject these planning applications in the interest of proper planning and to restore the people's faith in the planning process.

Yours Faithfully,

Stephen Troy.
Director.

Troy's Family Butchers Ltd.,
Unit 6, Greeg court,
Moore Street,
Dublin 1.