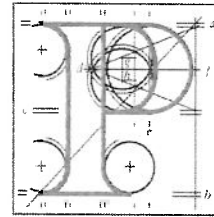


Our Case Number: ABP-314724-22



**An
Bord
Pleanála**

Troys Butchers
Moore Street
Dublin 1

Date: 16 August 2024

Re: Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]
Metrolink. Estuary through Swords, Dublin Airport, Ballymun, Glasnevin and City Centre to
Charlemont, Co. Dublin

Dear Sir,

An Bord Pleanála has received your recent letter in relation to the above-mentioned case.

The contents of your email have been noted.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

RA03

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Lauren Griffin

From: LAPS
Sent: Friday 23 August 2024 14:36
To: 'Stephen Troy'
Subject: RE: ABP 314724-22

A Chara,

The Board wishes to acknowledge receipt of your email below.

Kind regards,

Lauren

From: Stephen Troy <troystephen@gmail.com>
Sent: Thursday, August 22, 2024 5:21 PM
To: LAPS <laps@pleanala.ie>; Eimear Reilly <e.reilly@pleanala.ie>
Subject: ABP 314724-22

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear An Bord Pleanala,

I am writing to you add further information to my submission on Tii's planning application for the metro link, your ref ABP-314724-22.

I would like to inform An bord Pleanala that we have been directly engaging with Tii since the oral hearing back in March.

We organised for James Maloney from Tii to come down to Moore Street on Friday 16th of August at 9:15am and walk the proposed site and to discuss the submitted flawed traffic plan and more importantly for us the major financial impact that the delivery of this project will have on our fresh food business on Moore Street. Our concerns are yet to be allayed.

I think it's important to keep a note of what was discussed that day, we understand that An bord Pleanala has to consider the following as hearsay but at the same time we are **legally** advised that we must include the content to enable us to raise the same at the JR process.

I note James Maloney informed me that Tii intend on "temporarily" CPO ing 24/25 Moore Street so that the contractor (likely Hammerson) can use this location as a site compound for delivering the installation of the metrobox.

James Maloney also said it will likely be later sold on at a later date (likely to Hammerson) so they can

develop the site as planned in their planning application 2863/21?

We note that Hammerson have permission from Dublin City council (The owners) of 24/25 Moore street in their planning application (2863/21) to apply for permission to develop the site in question.

Shaun McGee

Subject: FW: Your Ref: 314724-22

From: LAPS
Sent: Friday, August 16, 2024 12:16 PM
To: Stephen Troy <troystephen@gmail.com>
Subject: RE: Your Ref: 314724-22

A Chara,

The Board acknowledges receipt of your email, official correspondence will issue in due course.

Kind regards,

Lauren

From: Stephen Troy <troystephen@gmail.com>
Sent: Friday, August 16, 2024 10:47 AM
To: LAPS <laps@pleanala.ie>
Cc: Eimear Reilly <e.reilly@pleanala.ie>
Subject: Your Ref: 314724-22

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir / Madam,

Please find our further response to Tii's further information on the metro link.

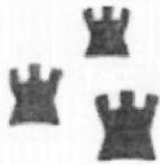
I would appreciate it if you could confirm that you have received our observation contained in the attached PDF.

It's my understanding that no further fees are required as we have already previously made observations on this application.

Yours Faithfully,

Stephen Troy.
Director
Troys Family Butchers Ltd.,
Unit 6, Greeg Court,
Moore Street,
Dublin 1.

1 of 2



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

ROINN PLEANÁLA AGUS FORBAIRT MAOINE
Blac 3, Uirlár 2
Oifigi na Cathrach
An Ché Adhmaid
Baile Átha Cliath 8

Tel: +353 1 222 3055
Facs: +353 1 222 2682

Idirlíne: www.dublincity.ie

PLANN
Block
Civic C
Wood
Dublin

Tel: +
Fax: +

WebS

WITHOUT PREJUDICE

Dublin Central General Partnership Ltd.
Riverside One,
Sir John Rogerson's Quay,
Docklands,
Dublin 2.

Re: Land at 24-25 Moore Street, 1-3 O'Rahilly

Dear Sirs,

I wish to confirm that the City Council has no objection to the proposed development application in respect of land comprising 24-25 Moore Street Moore Lane, Dublin 1 which is in the ownership of Dublin City Council to the Council under Folios DN189484F, DN19778F and DN19778F pink on the attached extract maps from the PRAI website.

We don't see where in Tii's application where it states they intend on compulsory purchasing the same site. This either makes Tii's application (314724-22) or the Hammerson application (2863/21) for the same site legally invalid, but Hammerson's planning application has been allowed to go through the planning process?

We have asked Tii to pinpoint where in this application (314724-22) it states that Tii intend on CPO ing the site, we can't find it, further making Tii's planning application invalid also!

We also note that all of Hammerson's planning applications make up a "**Master Plan**" for Dublin Central, Tii's intention of CPO (ing) a segment of that master plan jeopardises the Hammerson Master plan as a whole and massively changes the **visual** of the over all mater plan currently on display in your offices. It will be like having a jigsaw with a giant piece of the puzzle missing in the very centre of our capital city. This is not in the interest of proper planning!

So incredibly Hammerson are awaiting on a decision on application (2863/21) from An Bord Pleanala but Tii will CPO the same site for their contractors to use as a site compound?

It's important to note that Hammerson have requested permission in application 2863/21 for 24/25 Moore to be used as a compound to facility the Metro enabling works without the MEW contract ever going through the legal EU tendering process? Very odd!!

The above further confirms the conflict of interest that evidently exists among Hammerson, DCC, DHLG, and now Tii, especially when you consider Hammerson have already lodged a planning application for site 5 to be developed, how does James Maloney or Tii know that Hammerson will be the highest bidder on that site when Tii decide to dispose of it?

This is a very uneducated way of trying to subvert planning laws, and puts the planning process and the tendering process into disrepute. This will be raised at the JR process if permission is granted.

I also note that James also informs us that Tii intend on compulsory purchasing the O'Connell Street site currently owned by Hammerson for the installation of the metro box, yet no tendering process has ever taken place to determine where the metro box might be located?, thus, even further confirming the conflict of interest that exists within this application and the Hammerson planning applications.

We look forward to the judicial review process where we will produce evidence that will have this and all the Hammerson planning applications overturned by law in order to protect our livelihoods that will be **inevitably obliterated** by the multiple overlapping construction projects in the immediate vicinity of our fresh food business.

Yours Faithfully,

Stephen Troy.
Troys Family Butchers Ltd.,
Moore Street,

AN BORD PLEANÁLA

16 AUG 2024

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Dear Sir / Madam,

I am writing to you to respond to the further information submitted by Transport Infrastructure Ireland in relation to the proposed Metrolink, your ref ABP-314724-22.

No Public Tendering Process:

We have huge concerns that Tii have not abided by the **legal** public tendering process under the EU directive for state funded projects.

I would be grateful if you could get An Bord Pleanála's legal department to examine the following links outlining the EU directive and I'm sure they'll agree that Tii haven't adhered to the same.

18.3.2014



Official Journal of the European Union

L 94/55

DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 26 February 2014

on public procurement and repealing Directive 2004/18/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 57(1), Article 62 and Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

Having regard to the opinion of the Committee of the Regions (2),

Acting in accordance with the ordinary legislative procedure (3),

Whereas

(1) The award of public contracts by or on behalf of Member States' authorities has to comply with the principles of the Treaty on the Functioning of the European Union (TFEU), and in particular the free movement of goods, freedom of establishment and the freedom to provide services, as well as the principles deriving therefrom, such as equal treatment, non-discrimination, mutual recognition, proportionality and transparency. However, for public contracts above a certain value, provisions should be drawn up coordinating national procurement procedures so as to ensure that those principles are given practical effect and public procurement is opened up to competition.

(2) Public procurement plays a key role in the Europe 2020 strategy, set out in the Commission Communication of 3 March 2010 entitled *Europe 2020, a strategy for smart, sustainable and inclusive growth* (Europe 2020 strategy for smart, sustainable and inclusive growth), as one of the market-based instruments to be used to achieve smart, sustainable and inclusive growth while

ensuring the most efficient use of public funds. For that purpose, the public procurement rules adopted pursuant to Directive 2004/17/EC of the European Parliament and of the Council (4) and Directive 2004/18/EC of the European Parliament and of the Council (5) should be revised and modernised in order to increase the efficiency of public spending, facilitating in particular the participation of small and medium-sized enterprises (SMEs) in public procurement, and to enable procurements to make better use of public procurement in support of common societal goals. There is also a need to clarify basic notions and concepts to ensure legal certainty and to incorporate certain aspects of related well-established case-law of the Court of Justice of the European Union.

(3) When implementing this Directive, the United Nations Convention on the Rights of Persons with Disabilities (6) should be taken into account, in particular in connection with the choice of means of communication, technical specifications, award criteria and contract performance conditions.

(4) The increasingly diverse forms of public works have made it necessary to define more clearly the notion of procurement itself, that clarification should not however broaden the scope of this Directive compared to that of Directive 2004/18/EC. The Union rules on public procurement are not intended to cover all forms of disbursement of public funds, but only those aimed at the acquisition of works, supplies or services for consideration by means of a public contract. It should be clarified that such acquisitions of works, supplies or services should be subject to this Directive whether they are implemented through purchase, leasing or other contractual forms.

The notion of acquisition should be understood broadly to the sense of obtaining the benefits of the works, supplies or services in question, not necessarily requiring a transfer of ownership to the contracting authorities. Furthermore, the mere financing, in particular through grants, of an activity, which is frequently linked to the obligation to reimburse the amounts received where they are not used for the purposes

(1) Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 114, 30.4.2004, p. 1).

(2) Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 226, 22.8.2004, p. 114).

(3) Approved by Council Decision 2010/618/EC of 26 November 2010 concerning the application, by the European Community of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 31, 27.12.2010, p. 1).

(4) OJ L 191, 29.4.2012, p. 64.

(5) OJ L 241, 11.12.2012, p. 49.

(6) Decision of the European Parliament of 18 January 2014 (not yet published in the Official Journal), and Decision of the Council of 11 February 2014.

<https://acrobat.adobe.com/id/urn:aaid:sc:EU:1adab272-8635-4376-9cf1-4b4c1d7f4ef3>

Transport Infrastructure Ireland have never conducted a public tendering process for the O'Connell Street stop and have seemingly awarded Hammerson the contract of the enabling works. Tii have further confirmed within the oral hearing to the inspectors that Hammerson would deliver the MEW for the O'Connell Street Stop.

We have written to Minister Ryan outlining our concerns and his response was that the public tendering process would commence at approval gate 2?

(Tii's appeal & multiple other documents in this application and the Hammerson applications convey Hammerson were awarded the tender without the legal EU public tendering process been adhered to)



METROLINK

An Bord Pleanála
64 Marlborough Street
Rotunda
Dublin 1
D01 V902

By email

Dáta | 20th July 2022

Ár dTag | Our Ref. CAP_ML_L0264

**ABP Ref: 313947-22. Dublin City Council Planning Register Reference: 2863/21
Proposed Dublin Central Development, O'Connell Street, Dublin 1**

Dear An Bord Pleanála

We refer to the First Party Appeal submitted by the applicant Dublin Central GP Limited under the above ABP reference (the **Appeal**). The Appeal is against condition 5 only which provides for a seven year duration.

The Appeal seeks to have substituted for that seven year duration a duration of 15 years.

We confirm having reviewed the Appeal documentation which makes a number of statements about the potential length of the construction programme for Site 5. As you will be aware, TII will shortly be submitting a Railway Order application for the MetroLink Project. One of the MetroLink stations will be located underneath Dublin Central GP Limited's proposed development on O'Connell Street. We confirm that the statements made in the Appeal relative to there being a requirement to continue to use "Site 5" to access the station box during its construction and fit-out are correct.

For those reasons, I wish to confirm that TII is fully supportive of the Appeal and respectfully requests that the Board grant a 15 year duration under this planning permission.

Yours faithfully

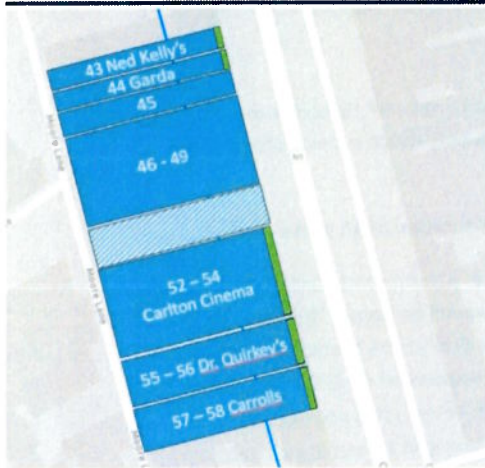
Aidan Foley

Project Director – MetroLink

HAMMERSON

(i.e) Dublin Central GP

Base Scenario: Description of O'Connell Street Station



- The underground station will lie under **43-58 O'Connell Street Upper**, of these, Nos 43-44, 52-54 (the old Carlton Cinema at Nos 52-54), and 57-58 have protected Facades.
- Located on the site of the proposed Dublin Central CP Ltd development known as Dublin Central Site 2.
- The urban realm design for O'Connell Street Station will be provided by the developers as part of the over-site development at this location.
- The architectural features associated with O'Connell Street Station, such as the entrance, will follow the branding style for the proposed Project.

(Green bar denote Protected Facades to be retained)

40 of 175

6. Site:

<p>Site Address / Location of the Proposed Development (as may best identify the land or structure in question)</p>	<p>The works will generally comprise but are not limited to the construction of a Railway running North to South from Swords to Charlemont in the city centre. The principal elements are located at the following locations:</p> <p>Estuary Station and Park and Ride - north of Ennis Lane, west of R132, townland of Lissenhall Little</p> <p>Seatown Station - south east side of junction of R132 and Seatown Road in the townland of Swords Demesne</p> <p>Swords Central Station - at the east side of the R132, south of the Malahide Road roundabout in the townland of Barrysparks</p> <p>Fosterstown Station - at the east side of the R132, west of Airside Retail Park, townlands of Miltonsfields and Crowscastle</p> <p>Dublin Airport Station - under the current Terminal 2 surface car park at Dublin Airport, townland of Corballis</p> <p>Dardistown Depot and Station - south of Old Airport Road, East of the R108 in the townlands of Coultrey, Ballymun and Ballystruan</p> <p>Northwood Station - under the R108 close to the junction with Northwood Avenue in the townland of Balcurris</p> <p>Ballymun Station - west side of Ballymun Road under the site of the old Ballymun Shopping Centre north of Silloge Road</p> <p>Collins Avenue Station - east side of Ballymun Road, immediately in front of Our Lady of Victories Church</p> <p>Albert College Intervention Shaft - in the southern part of Albert College Park, east of the Ballymun Road</p> <p>Griffith Park Station - under the grounds of Home Farm Football Club, at the east side of St Mobhi Road</p> <p>Glasnevin Station - west side of Prospect Road, over the existing rail lines</p> <p>Mater Station - beneath the Four Masters Park, adjoining Berkeley Road and Eccles Street</p> <p>*N . B* <u>O'Connell Street Station - on a site bordered by O'Connell Street Upper, Moore Lane and Henry Place</u></p> <p>Tara Station - on a site bordered by Tara Street, Townsend Street and the Dart Line</p> <p>St Stephens Green Station - on the East side of St. Stephen's Green Park, lying partly under the boundary of the park, the</p>
---	--

(Hammerson own the whole area for the proposed station?).

In the event that Tii hold a public tendering process at a later stage of this planning process then the current submitted construction manuals, environmental impact assessments and any other documents submitted within this and Hammersons multiple planning applications will be **invalid** as another individual applying for the tender could be successful. **It is not proper planning to have multiple planning applications that are interdependent on each other passing.**

The possibility of another successful applicant obtaining the tender could result in the metro station being situated in a totally different location along the proposed route or even on the opposite side of O'Connell Street.

I believe a **conflict of interest** at government level exists for even allowing this **flawed** application to be lodged with An Bord Pleanala without the relevant legalities under the EU directive being adhered to and when you consider the "commercially sensitive" operation that Government departments, DCC and Hammerson were involved in within the MSAG.

It's also concerning that the proposed O'Connell street station is not being compulsory purchased under a railway order yet a private developer like Hammerson will financially benefit from a state funded project for the foreseeable future whilst generational independent store traders will be forced out of business as a result of the overbearing disruption that will inevitably arise during the 15 year construction phase of Tii's, Hammersons, and the government's applications for Dublin Central.

An bord Pleanala needs to consider the impact of these multiple conjoined/ interdependent projects being delivered at the same time.

Tii states:

"TII has not awarded any contract to Hammerson for enabling works. The coordination between TII and Hammerson on consent applications is in the interests of proper planning and sustainable development, not a formal contractual arrangement"

We believe that it is **not** in the interest of proper planning to apply for planning permission before conducting the public tendering process to determine who will actually successfully obtain the tender as doing so removes the **democratic legal rights** of impacted stakeholders to lodge observations on the actual **finalised** plan.

Traffic:

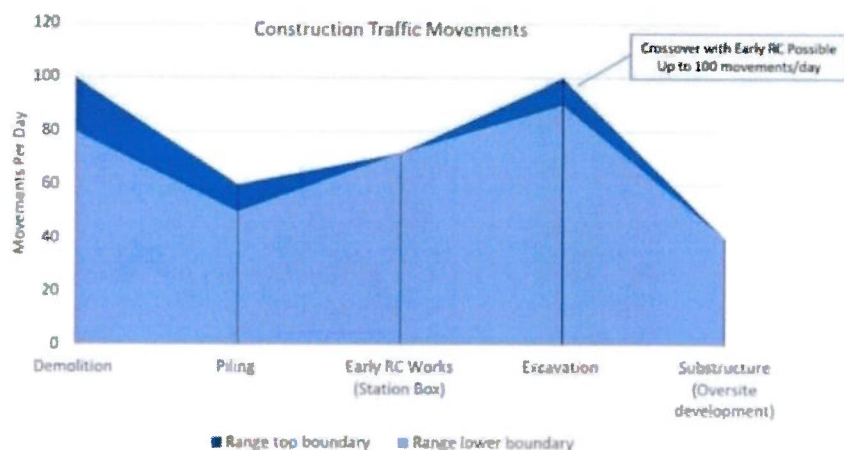
The Applicant (Tii) have failed to submit an Independent traffic management plan and confirmed to the oral hearing Inspectors that they are reliant on the traffic management plan contained in Hammersons planning applications for Dublin central. *(Strange considering Hammerson according to Minister Ryan apparently have NOT been awarded the MEW contract??).*

We Know that Metrolink are projecting 80-100 Lorries per day to access and regress site 5 located on O'Rahilly Parade and directly opposite our fresh food store.

CONSTRUCTION TRAFFIC PROJECTIONS VIA MOORE STREET / O'RAHILLY PARADE

METROLINK Access / egress for construction – vehicle movements

O'Connell Street Station – Construction Traffic Volumes

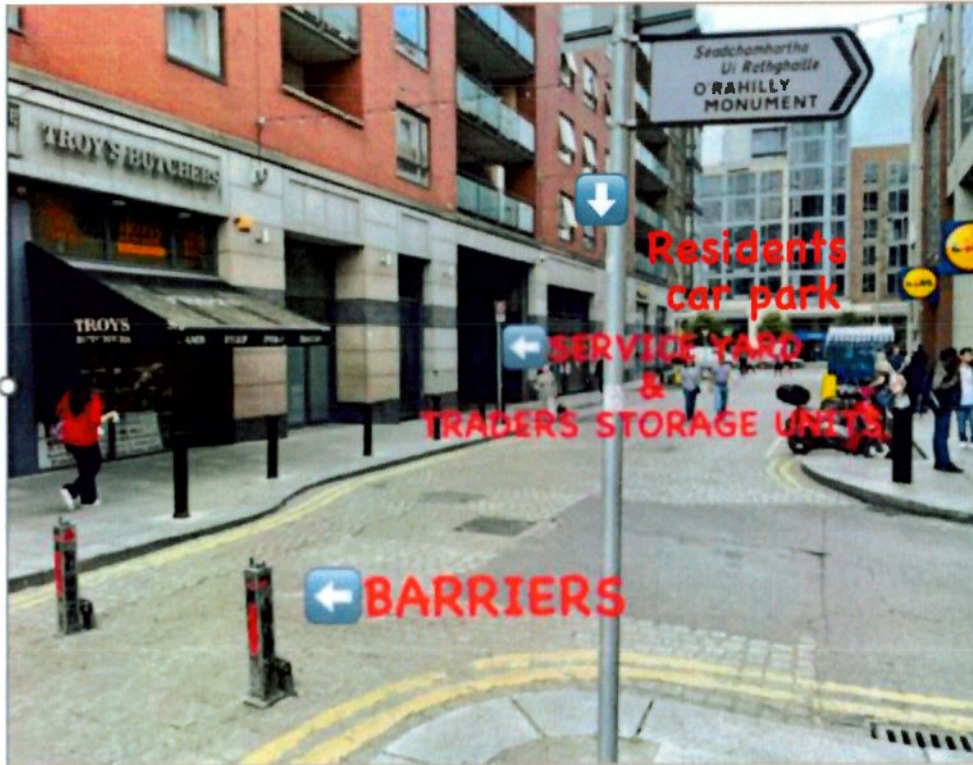


80-100 LORRIES DAILY ACCESSING FOR METRO ENABLING WORKS

N.B.These traffic projections don't include the other construction traffic travelling along the same haul route to reach the various other site compounds in Hammerson's 5.5acre construction site of chaos.

It also doesn't include the following traffic:

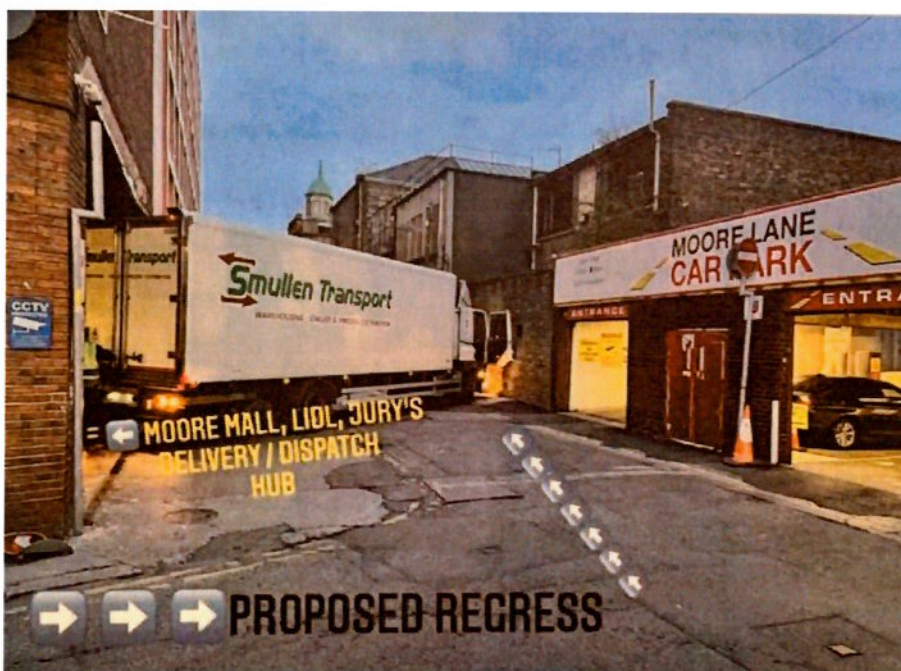
(1). Residential traffic travelling to the underground car park for the 1000s of residents living in the Greeg Court apartment block which only access / Regress is opposite Lidl.



(2). Traffic travelling to the ilac service yard also directly opposite Lidl.



(3). Traffic travelling to the service yard located in Moore lane which services Leonardo's Hotel, The A point hotel and all the retailers in the underground Moore Street mall. This is also going to greatly **impede** the traffic regress route as proposed by both Tii & Hammerson. (Below)





(4). Traffic travelling to service yard in sampsons lane / coles lane which Dunnes stores operate a home delivery service from, and other shops like FXB's receive and dispatch deliveries also. Shops on Henry street also receive deliveries via Henry place.





HENRY PLACE
DELIVERIES

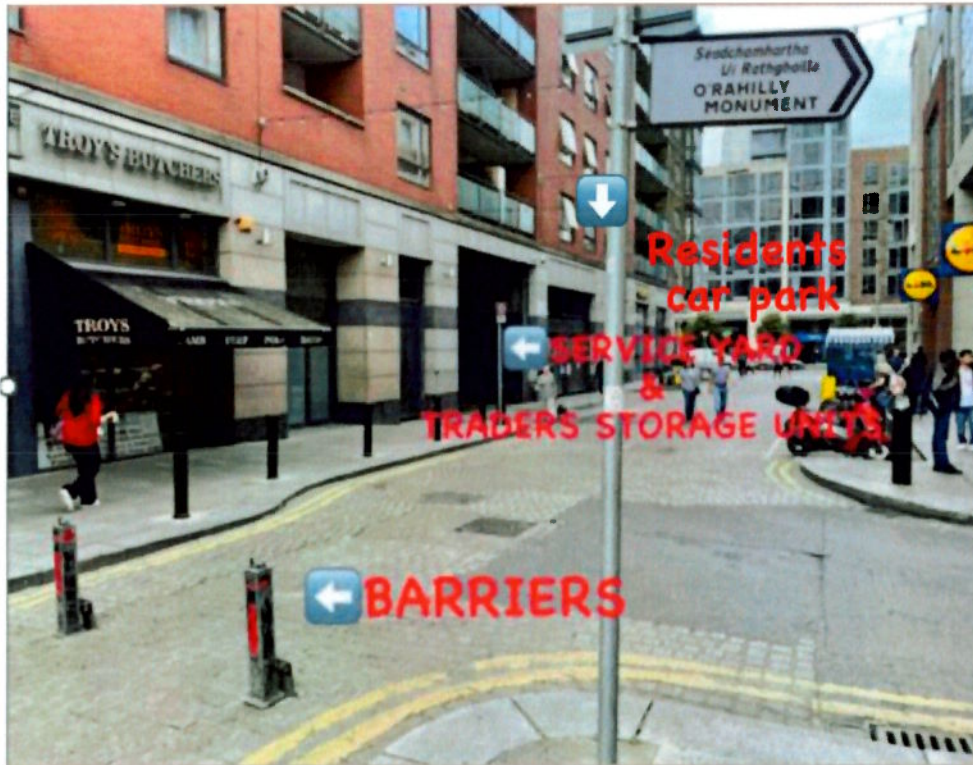


COLES LANE
SERVICE YARD





**COLES LANE DELIVERY / DISPATCH
HUB, ONLY ACCESSIBLE VIA
O'RAHILLY PARADE VIA MOORE
LANE AFTER 11:AM**



All of the above traffic is not restricted by the delivery curfew bollards that are erected at 11:am and will be using the same access / regress route as the construction haulage route. *We also receive and dispatch deliveries from 8:am-6:PM daily.

The Traffic management plan **does not** include any of the above realistic volumes of traffic in the area on a daily basis. These traffic volumes will inevitably lead to heavy construction Lorries stacking outside my shop front and make it an unsafe shopping environment for shoppers, pedestrians, and will result in a noisy, dirty trading environment plagued by heavy diesel fumes and the last place anyone would want to buy fresh food from.

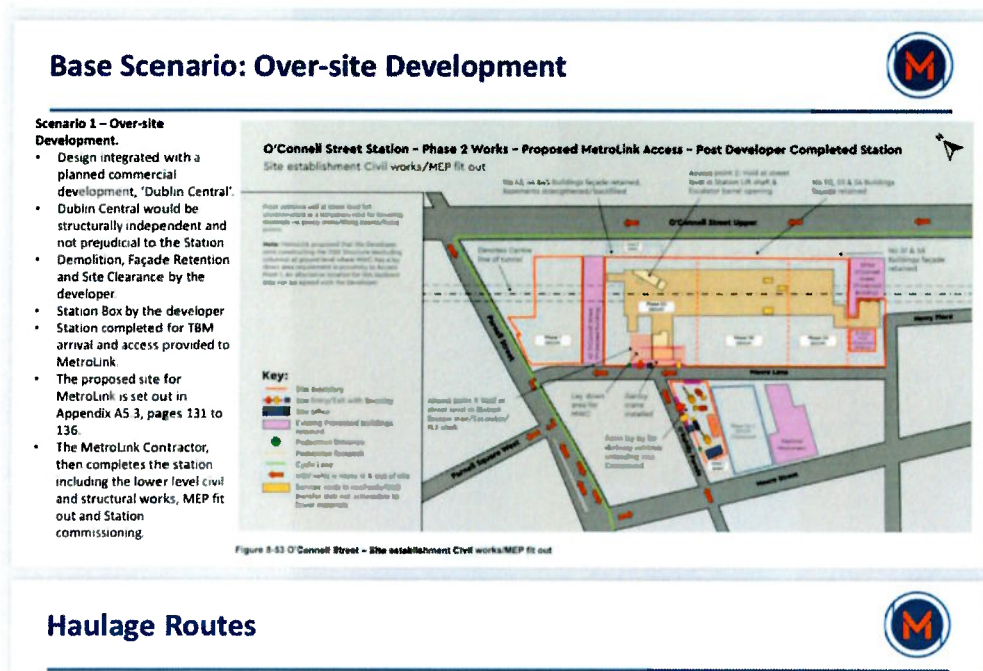
**PICTURE TAKEN FROM TROY'S
BUTCHERS**



**THIS IS DELIVERY TRAFFIC
WITHOUT CONSTRUCTION
LORRIES IN THE MIX**

Moore Street will become a **NO GO AREA** for an inordinate amount of time, just as it did throughout the construction of the Luas which **financially** destroyed our business!

Incorrect Traffic Dispersal Route:



The above diagram on Tii's updated information suggests that traffic regressing from Moore lane at Conways pub can disperse via Parnell square west (past the rotunda) which is **incorrect** due to the traffic Island that was put in place to facilitate the Luas tracks.

Traffic island to facilitate Luas prevent proposed dispersal:





This means all the traffic regressing from Moore Lane will be brought back onto Parnell street, the **same** road network as construction lorries, delivery lorries, residential traffic that will be inwardly accessing Moore street. It's important to also consider the extremely close proximity of the Rotunda, Temple Street, and the Mater hospitals.

Proposed site compounds:

It should be noted that following a vote by the **democratically** elected members of Dublin City Council the Moore Street Terrace number's 10-25 Moore Street are to be added to the list of protected structures.

Pending its formal addition to the list of protected structures after public consultation, all buildings along the terrace are **entitled to the protection** and **preservation** under regulations as if already listed.

The extent of the proposed use of number 24/25 Moore Street as a site compound for the next 15yrs will likely require a vote by elected members of Dublin City Council to agree to such property disposal, it's highly unlikely they will agree to sell this site as a construction compound as there are pre 1916 elements within its boundaries. I also believe DCC selling or even renting this property as a construction compound leads to another conflict of interest by DCC & other state departments.

It should also be noted that this historic area, Moore Street, Moore Lane, Henry Place, and O'Rahilly Parade as the last extant 1916 battlefield site in the city satisfies the criteria laid down by the High Court for preservation as a national monument.

It's important that planners understand that the history of the area can **NEVER** change and this historic battlefield site still satisfies the criteria of a national monument under National Monument law.

The Metrolink link proposal for Moore Lane also grossly interferes with the 1916 Cultural Quarter bill that was unanimously supported by elected members of the Dáil and is at present progressing through the relevant stages of legislation. This Cultural Quarter bill is the only **guaranteed** way forward for this battlefield site steeped in history, Culture, and heritage.

I am concerned that Tii did not require Ministerial consent for their Metrolink proposal considering the substantial interference with historic plots and boundaries along the proposed haul routes within the 1916 battlefield site. We know Hammerson required such consent but I'm told by both Tii and Minister Eamon Ryan that Hammerson have not yet been awarded the installation contract therefore Tii should seek an independent ministerial consent of their own for their proposed works.

Moore Street advisory group report:

Tii have committed to following the recommendations contained within the Moore Street advisory group report in their **842 page** Metrolink document.

1. Reflect on the Report of the Expert Group on the market and provide any comments that Dublin City Council, as market authority, should take into account

The MSAG fully endorses the recommendations of the Expert Group on the Market with regard to the long term regeneration of the market. The street traders are in principle supportive of the redevelopment of Moore Street. Increased footfall will increase business opportunities, improve security and generally enhance the ambience of the market.

The MSAG, however, shares the traders' conviction that, in the short term, the on-street market cannot function as part of a large construction site and that it will not be possible for traders to continue to operate with the disruption which protracted construction works in their immediate vicinity will inevitably represent. Working conditions on the street, already seriously compromised by security concerns and anti-social behaviour, will be further damaged by construction traffic, noise and dust. Health and safety concerns for traders and customers will need to be addressed, as will any concerns that may arise regarding food safety. The MSAG, therefore, accepts that street trading on Moore Street is likely to have to cease for the duration of the construction works

Consultation with the traders and DCC suggests that no suitable, mutually agreeable relocation site is available to the traders while acknowledging that construction may impact on all businesses in the area.

Given this set of circumstances the MSAG supports the establishment of a compensation fund for the street traders.

Currently there are 17 licence holders trading on the street. It is recommended that a process commences immediately involving these traders and the developers. The scale of any such fund will need to be agreed between the traders and the developers. Similarly the modalities of payment and the terms and conditions of payments will need to be agreed between the parties. The MSAG recommends that the preferred arrangement would consist of a once-off ex-gratia payment to each of the 17 licenced holders.

Tii have not confirmed whether they would compensate generational independent store traders to address the major loss of turnover that will inevitably occur for businesses in the immediate proximity of the works considering the size, duration and nature of the project.

Loss of Turnover:

The figures below were recently prepared by our accountants in relation to our up & coming high court proceedings against Tii (&others) for the negligent disruption we suffered throughout the Luas Project.

Troy Family Butchers Limited v Transport Infrastructure Ire & Ors

In summary Loss of Turnover is as follows:

Using the 52 week period up to 20 April 2014 as the benchmark:
€15,555

€	
Weekly average for 52 weeks up to 19 April 2015	12,597
Weekly average for 52 weeks up to 17 April 2016	13,127
Weekly average for 52 weeks up to 16 April 2017	11,717

€	
Loss of turnover - €2,958 x 52	153,816
Loss of turnover - €2,428 x 52	126,256
Loss of turnover - €3,838 x 52	199,576

Total loss of turnover	479,648

We lost €479,648.00 in takings over a three year period, Can you imagine what a 10-15yr construction programme will do to us. Our business has not yet returned to pre-Luas performance levels despite us opening an extra day per week (Sundays).

The business has been restructured to the bone just to make ends meet. This project will be the final nail in the coffin for our fifth generation family business.

I am keen to hear how Tii will “mitigate” the financial losses businesses will suffer as a result of this project.

I also find it incomprehensible that the **EIA** report never considers the **mental health** of people who will lose their livelihoods as a result of the disruption caused by these large infrastructural projects.

We are still awaiting to reap Tii’s **anticipated** “longterm benefits” from the Luas project so how they can brazenly state we will receive longterm gains from the Metrolink is beyond my comprehension. If the Luas did what it was anticipated to do, would we really have so much retail, commercial and office space dereliction in the centre of our capital city today?

Conflict of interest with government departments and state bodies around the Metrolink:

It has been revealed in my appeals on the Hammerson planning applications that the Department of Heritage and DCC were involved in what they described as a “commercially sensitive operation” with Hammerson who also appear to have been miraculously awarded the contract for the Metro enabling works for the O’Connell street stop also by Tii - without any tendering process ever happening.

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

Question to the Chief Executive

Council Meeting 7th February 2022

Q.101 COUNCILLOR MÍCHEÁL MAC DONNCHA

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.

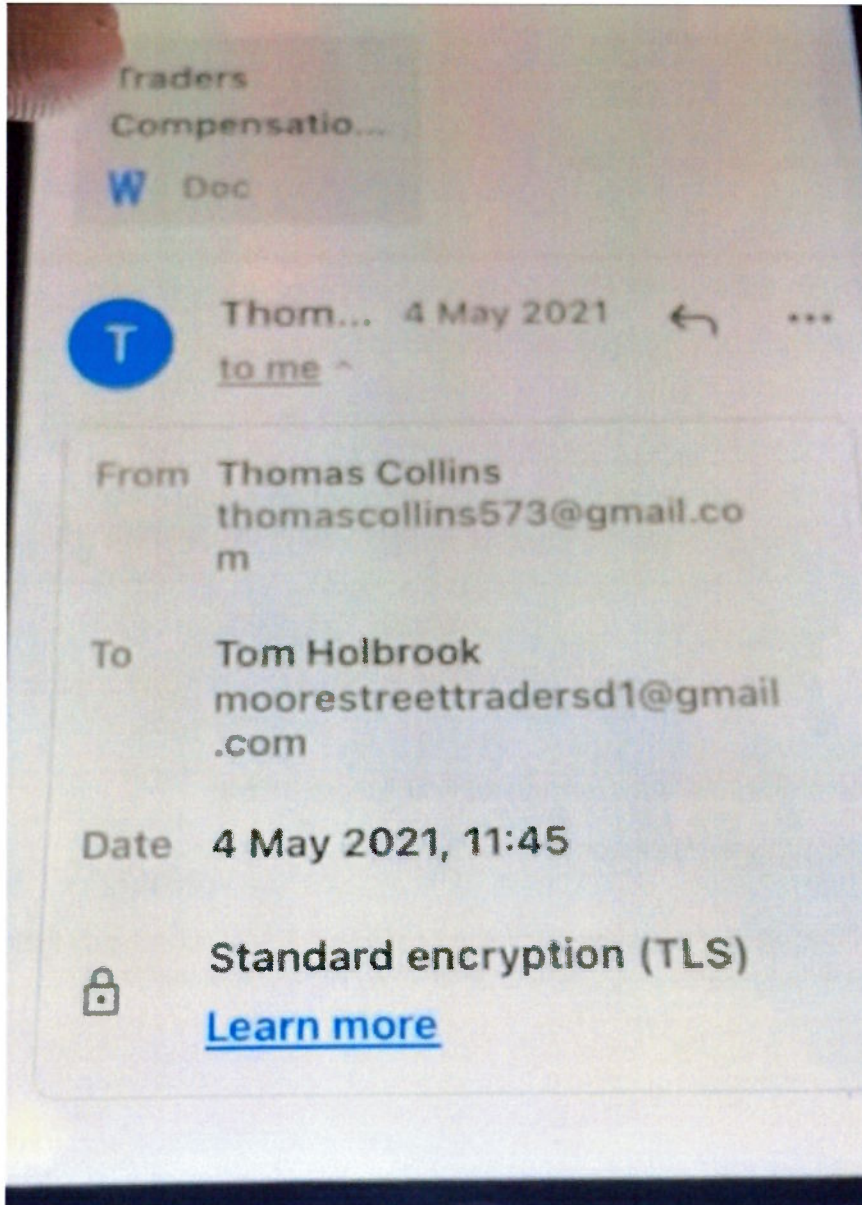
This was a tripartite framework with DCC, Department of Housing, Local Government & Heritage and Dublin Central GP Ltd. (Hammerson) partaking to compensate traders as all three DCC, DCGP and the Dept. brought forward proposals that may have an impact on traders over the coming years: DCC on the upgrading 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: Colin O’Reilly, Assistant Chief Executive
E-mail: colin.oreilly@dublincity.ie
Tel: 222 2010

We also revealed that the Chairperson of the Moore Street Advisory group who should hold an unbiased role in public office and decided the final content of the MSAG report was asserting offers of compensation to street trader representatives via email just fifteen minutes before the final meeting of the MSAG which I believe had an **illegal influence** over the members and the final report.



Email sent from chairperson of MSAG just 15 mins before they decided on the final vote!

"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"

We have provided An Bord Pleanala with sufficient evidence to convey that laws have been broken and a **conflict of interest** clearly exists within **Tii**, the **Department of heritage** and **Dublin City council** in relation to these **inter-dependent Metrolink** and **Hammerson** planning applications.

Further delay in National Monument restoration works at 14-17 Moore Street:

We met with officials from the department of heritage and the OPW on 31st May 2023 who committed to us that restoration works would commence at 14-17 Moore Street in June 2024.

We can't express how disappointed we are to receive this letter on Friday 26/6/24 advising us that those works are further delayed despite funds being allocated since **2015** for those buildings "immediate restoration".



Mr. Stephen Troy
troystephen@gmail.com

Re: 14/17 Moore St & 8/9 Moore Lane

Dear Mr. Troy,

You have been in touch with the Department in recent weeks about the above project and have been enquiring in particular about the plans for the start of work on site. I am aware that you have met some of our project team some time ago and that you are, naturally, anxious to hear how things are progressing.

The Design Team for the 14/17 Moore St project has been working since they were appointed in mid-2023 with a view to updating the plans for the project. This has entailed a complete review of the pre-existing project that was in place when the Court ordered the cessation and making whatever changes are necessary arising from changes to building regulations and other technical aspects. As a result of this review, it has been decided that we need to apply to the Minister for Housing Local Government and Heritage for a new Ministerial Consent under the National Monuments Act; additionally, we also need to factor some changes to the project in terms of how it will relate to the surrounding area. Relative to this, in addition to the work on 14/17, we have also been progressing with the design of the separate new building at 8/9 Moore Lane, which will also form a part of the development and we have taken a key decision that these two projects should run in parallel rather than separately.

At this stage, we are progressing with the development of design documents that will form part of a Tender for Contractors. It is difficult to be specific about when work will start onsite however and I am conscious that we have possibly been previously too optimistic in our views on this. Currently, we plan to apply to the Minister for a Ministerial Consent under the National Monuments Act this September and will hope to go out to tender as early as possible in 2025. I should stress however that these are estimates only.

I trust this information is of assistance.

Yours sincerely,

Mary Heffernan
Principal
OPW Heritage Services.
27 July 2024.

We believe this delay is **solely** as a result of Hammerson taking JR proceedings against elected members of DCC decision to add 10-25 Moore Street to the Record of protected structures.

I trust that Tii (& others) understand that they have left themselves open to be sued by other construction companies and property owners within the vicinity of the proposed O'Connell street station who have been deprived the **legal right** to apply for the tender. The documents accompanying this application and the Hammerson planning applications clearly convey that Hammerson has been awarded the contract which is **illegal** without any public tendering process ever being carried out.

Having planning applications like we see within this one (& others) that is so connected to the hip of Hammerson's planning application, that has been submitted before any legal tender has been established is without doubt a major red flag.

One wonders why this has been done knowing that it brings the whole planning application and the tendering process into disrepute?

Why was such a rookie mistake made in applying for planning with Hammerson as the Kingmakers in this application before a tender was ever done?

What is so special about Hammerson? what do they have to offer that means you are willing to risk being successfully sued by potential tenders should one decide to sue? Especially when

Hammerson's own application is so flawed and may never see the light of day, between the protection of moore street structures case, flawed traffic management plan, improper offers of compensation at the voting stage of the MSAG, and the impact of the various overlapping projects on the city , not to mention the destruction of our history, culture and heritage.

It will be interesting to see whether a change of government would lead to a criminal investigation into corruption in relation to these inter-dependent planning applications.

I request that An Bord Pleanala reject this flawed application due to this clear violation in relation to the tendering process and request that Tii submit an Independent application that is not connected to Hammerson so that the application is in fact **LEGAL!**

It's becoming very clear that Hammerson, Metrolink and The Department of heritage are going to deliver these projects at the same time which will create an unsustainable trading environment for our independent business that relies solely on Moore Street to remain viable.

In the event that we are expected to trade in this unsustainable trading environment, We will have no choice but to take judicial review proceedings in order to protect our constitutional right to earn a living, to uphold the law, and to ensure that the democratic planning process is upheld for future generations.

Yours Faithfully,

Stephen Troy.
Troys Butchers
Moore Street,
Dublin 1.

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