

2861/21
Planning Authority Reference Numbers: 2862/21: 2862/22

PC

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
12 FEB 2024	
Fee: € _____	Type: _____
Time: <u>13:30</u>	By: <u>Hand</u>

On behalf of the Save 16 Moore Street Committee

Preliminary Procedural Point

We believe in the public interest and Justice as your covering letter states that An Bord Pleanala should refrain from making a decision on the above planning applications until the upcoming High Court proceedings issued by Hammersons against the City Council are fully concluded. Likewise no decision should be made until such time as a local area plan (LAP) is drawn up in line with the requirements of the Dublin Development Plan. Our belief is that the entire Moore Street Battlefield Area satisfies the criteria laid down by the High Court and Court of Appeal for protection and preservation as a National Monument since its preservation as a 'theatre of conflict' (The National Museum) is a matter of National importance.

Dublin City Council: RPS Assessments

We believe assessments carried out to date of the following buildings are incomplete, misleading and cannot be relied upon. They include:

Nos 11/12/13/18 Moore Street

Nos 4-8 Henry Place

No 10 Henry Place (The White House)

No 11 Moore Street

No inspection/ evaluation was carried out of the basement area of this building

No inspection/evaluation was carried out on any ancillary buildings within the building plot that stretches from the rear of No 11 Moore Street to Moore Lane

No 12 Moore Street

As above

No 13 Moore Street

As above

It is also noted within the DCC assessment a footnote that lends weight to our belief that 18th century basements still exist beneath much of the terrace 10-25 Moore Street

'1. Curiously Goad's Insurance Plan of 1893 does not record a basement despite the depiction of a lightwell to the front pavement of the property on the 1847 Ordnance Survey Map'

In 2014 Kevin Rudden (BSc(Eng), DipEng, DLS, Eurling, CEng, MIEI, RConsEI) of Garland Consultancy was commissioned by The Save Moore Street Campaign to inspect No 14 to 17 Moore Street. Despite the inspection being site specific, he was the first professional to identify the pre 1916 party wall between Nos 12/13 Moore Street. As a direct result that wall is now recommended for addition to the RPS. At the rear of No 16 Moore Street Mr Rudden also located and identified subterranean brick vaulted arches. He was of the view that these vaults extended beyond the demarcation line of

National Monument Nos 14- 17/18 Moore Street. This belief now has considerable weight added to it by studying Goad's Fire Insurance Map (1961) an image of which was included as part of DCC's assessment report. Clearly marked on the map and covering the rear yards of Nos 12-16 Moore Street is the inscription 'J & G Campbell Bk Vaulted Arch Community'

No 18 Moore Street

DCC's assessment that the building was in 'ruins' during Easter Week 1916 is somewhat disingenuous. A roofless or windowless structure can be said to be ruinous. What is certain is that No 18 was not a vacant lot in 1916 as has been suggested. There is ample specialist evidence that proves that at the very least the brick front wall facade of the building is pre-1916. Both the Hosford and Broderick Reports: 2014 confirmed this. Indeed, as far back as 2011 The Shaffrey Conservation Report submitted under a Ministerial Consent Application singled out and noted that the facade is late 19th century. Despite this No 18 is not recommended to be added to the RPS and it is to be demolished as part of the planning application.

Nos 4-8 Henry Place

In 2018 James Kelly(BArchSc DipArch MScUrd RIBA RIA) of Kelly and Cogan Architects was instructed by the Save Moore Street Campaign and commissioned by DCC to assess a number of buildings on Henry Place and Moore Street for possible addition to the RPS. The owner of these buildings' developer Hammerson's plc refused Mr Kelly entry to these buildings inc Nos 4-8 Henry Place. He was able however from an on-street inspection to ascertain that the front wall of this building was pre 1916 in origin. Until then the building was scheduled for demolition. Following DCC's recent assessment and concurrence with Mr Kelly's findings, that wall is now recommended for listing. This adds considerable weight to our belief and that of the National Museum of Ireland that there more monumental remains within the site of national monument status.

No 10 Henry Place (The White House)

We believe the assessment is confusing and incorrect. Opening up of the render on small sections of the building revealed 19th century brickwork and limestone calp leading to the informed assumption that if not all, then some of the pre 1916 structure remained. The ghost outline of a staircase within the building was also deemed to be 19th century in origin. It stands to reason then that the assessment that the building is a post 1916 structure is not correct or sustainable and further investigation of the building's fabric is needed. Once again, the assessment does not recommend that this iconic building be added to the RPS

The Midden

In 2016 Ms Linzi Simpson of Courtney Deery Heritage Consultancy Ltd uncovered through test pits in the backyards of the National Monument Nos 14-18 Moore Street what was has been described as Dublin City's 'Post Medieval Rubbish Dump' (See attached supporting documentation courtesy of Eamon P Kelly Former Keeper of Antiquities, National Museum of Ireland) There is no mention of this extraordinary archaeological find within the planning applications. Indeed, to date there has been no independent archaeological/ architectural survey of the Moore Street Battlefield site. Existent assessments have been carried out by developers, departmental contractors or DCC who's planning department and executive have supported the development and demolition of the buildings on the site as far back as 1999 when they gave permission for said demolition. More recently (2023) DCC planners gave full permission to the above planning applications before the RPS assessments were carried out/ completed. In our opinion this is highly irregular if not illegal.

The Dooley Hall Report is referenced and relied upon throughout the assessments, and we feel they are somewhat over reliant on this document. The Dooley Hall report was merely a 'desktop' report and as far as we are aware the authors did not visit or inspect the site in any great detail if at all. It's also worth noting that Messrs Dooley/ Hall have no specialist architectural qualifications, nor it seems any real expertise in Dublin and it's place within the context of the 1916 Rising. Mr Dooleys speciality is according to his own biography 'Irish country houses and the landed class'. Mr Hall is known for his work on revolutionary history ...in County Louth. When compared to the technical knowledge and expertise of Broderick, Hosford, Kelly and Rudden or the half century of front-line archaeological expertise of Eamon P Kelly we believe the Dooley Hall Report is lacking substance and value and its findings are not to be depended upon.

The presentation of drawings by Mola Architects in their response to the addition of buildings to the RPS (9.01.2024) in this area, the last extant 1916 battleground in our capital city, simply beggars belief. The extent of proposed demolitions (page 4) in and around Henry Place - the evacuation route taken by the volunteers fleeing for their lives from the burning GPO - is staggering. It is little wonder that the Department holds that the extent of demolition in the Hammerson proposal is not acceptable and have asked for a redrawing of the plan. Four volunteers were killed in action along Henry Place, 17 volunteers were wounded here. Under this plan we are to be left with a wall in memory of their courage, bravery under fire and sacrifice. The so-called 'integration' of the ground floor facades of the O'Brien Mineral Water Works building (page 4) consisting of nothing more than a segment of wall beneath an eight-story high hotel shows a blatant disregard for its historic importance as the first building seized by volunteers and a crucial location in the story of the evacuation. This is not the conservation approach to this historic area that our elected representatives wish to see adopted through their decision to add buildings to the list of protected structures. It is nothing more than a crass commercial approach that will result in the destruction of an area described by The National Museum of Ireland as a 'theatre of conflict' and 'the most important historic site in modern Irish history'. It completely undermines the decision of our elected representatives to add buildings to the list and to protect this historic area from the developer's wrecking ball. The story of the last battle of The Rising and final headquarters of the GPO Garrison can best be told on the very ground and in the streets, laneways and buildings where they made their last stand.

'Battlefields are the looking glass into the world of our ancestors. The generation that won Independence lives in the ideas we honour, the architecture we preserve and the Battlefields we yet can save' (Ron Maxwell, Writer Director, Gettysberg and of Gods and Generals)

Given the outstanding success of Kilmainham Jail as a tourist attraction and the plans for increasing pedestrianisation of the centre of Dublin, the Moore Street area is an obvious draw in those contexts for both historic and aesthetic reasons and warrants the least possible interference in its style and story.

Ministerial Consent

There is no application for Ministerial Consent to this proposed development.

The argument that the Minister has already granted consent to the part demolition of 14 to 17 - the removal of the party wall with no 18 Moore Street does not stand up. That consent was granted to an entirely different planning application submitted by Chartered Land for their infamous 'Park in the Sky' development.

Furthermore that consent flew in the face of Preservation Order no 1 of 2007 where the Minister undertook to protect and preserve the National Monument. That order was adopted by the Houses of the Oireachtas. The protection of the National Monument therefore rests with the members of the Oireachtas. They are its guardians in the public interest. The grant of consent to Chartered Land undermined and ignored the standing of the elected members of both houses as protectors of the Monument. No Minister charged with the protection of the history and heritage of the State can unilaterally grant consent for the demolition of a National Monument in the private interest of a property developer and certainly not for the demolition of a Monument the Minister himself has undertaken to preserve. It follows that the grant of consent in this instance was and is an invalid consent and in fact leaves the Minister open to legal challenge in his failure to carry out his duty in the public interest as guardian of the patrimony of the State.

Ministerial Consent in this application was and is a complete misuse of the purpose and meaning of the Ministerial Consent condition in the Act the purpose of which is to protect and preserve National Monuments from alteration or interference or neglect.

Conclusion

In all the circumstances it is clear that An Bord cannot in the public interest support this proposed development if the legislation designed to protect buildings, structures or locations of national historic importance is to have any real meaning.



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