S. 37

File With _____

SECTION 131 FORM

Appeal NO: ABP 312642-22 ☐ **Defer Re O/H**

TO: SEO

Having considered the contents of the submission dated/ received 03/03/2022 from

Gerry Adams 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 plan issue

E.O.: Rosa [signature] **Date:** 11/3/22

To EO: _____

Section 131 not to be invoked at this stage. ☐

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

S.E.O.: _____ **Date:** _____

S.A.O: _____ **Date:** _____

M _____

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

to: _____ **Task No:** _____

Allow 2/3/4weeks – BP _____

EO: _____ **Date:** _____

AA: _____ **Date:** _____

DN

An Bord Pleanála

Planning Appeal Online Observation

Online Reference: (NPA-OBS-000578)

Online Observation Details

Contact Name:	Gerry Adams
Lodgement Date:	03/03/2022 13:39:48
Case Number / Description:	~~306221~~ 312642 4/0 02/09/22

Payment Details

Payment Method:	Online Payment
Cardholder Name:	Richard McAuley
Payment Amount:	€50.00

B/40 to Gerry Adams.
26/3/22

The Secr ıry,
An Bord Pleanála.
64 Marlborough Street,
Dublin 1

03 March 2022

Re. Dublin City Council, Grant of Permission Reg. Ref. 2862/21

A chara,

I would like to make an observation on the valid appeals submitted to An Bord Pleanála (ABP) concerning the above referenced planning application which was granted planning permission by Dublin City Council on 12th January 2022.

In accordance with ABP's requirements my full name and address are provided below, my Grounds of Observation are attached and a payment of €50.00 is provided to ABP.

I look forward to receiving ABP's acknowledgement of my observations.

Is mise le meas,

Name here: Gerry Adams

Full address here: 53/55 Falls Road
Belfast
BT12 4PD

GROUNDS OF OBSERVATION

Please find below my grounds of observation concerning appeals submitted against Dublin City Council's decision to grant planning permission for a proposed development at Dublin Central GP Limited intends to apply for permission at a site, 'Dublin Central - Site 4', (c. 0.3 Ha) at Nos. 10 - 13 and Nos. 18 - 21 Moore Street, No. 5A Moore Lane (also known as Nos. 15 - 16 Henry Place), Nos. 6 - 7 and Nos. 10 - 12 Moore Lane and Nos. 17 - 18 Henry Place (also known as Nos. 4 - 5 Moore Lane) and adjoining sites. I object to the Council's grant of permission and in particular I support the Appeal submitted by the Moore Street Preservation Trust concerning this application.

Moore Street and the 1916 Battlefield site: an historic quarter

As part of my observation submission, the historical importance of the locality around the site of this proposed development must be highlighted.

Most nations have buildings and landmarks which are important to them in their struggles for freedom and independence. Robben Island in South Africa. The Cu Chi tunnels in Vietnam. Imagine someone deciding to abandon Robben Island or fill in the Cu Chi tunnels? Or if the government of India decided to concrete over the Jallianwala Bagh garden in Amritsar? Its the place where in 1919 the British Army massacred at least 379 unarmed civilians in an act of slaughter similar to our Bloody Sunday's in 1920 and 1972.

Imagine the outrage if the government of the United States decided to demolish Independence Hall in Philadelphia and replace it with a Shopping Mall. It is the location of the second Continental Congress which met to sign the Declaration of Independence in 1776.

Every nation has these holy places where freedom was born or won.

We Irish are no different. Dublin's GPO, Kilmainham, the H-Blocks and many more places dotted across this island tell the story of Ireland's century's long struggle for independence. The 1916 Easter Rising and its Proclamation of equality and justice inspired others to throw off the yoke of British colonialism.

Following six days of heroic resistance, the centre of Dublin lay in ruins. Five of the leaders of the Provisional Government met for the last time in 16 Moore Street and ordered the surrender. In 2005 the late Shane MacTomais - historian - wrote of those events:

"At eight o clock on Friday evening 28 April 1916, with the GPO engulfed in flames, the Provisional Government of the Irish Republic and IRA men and women retreated from the building and endeavoured to make their way to the Four Courts' Garrison. They left the GPO by the side entrance in Henry Street and made their way under constant sniper fire to Moore Lane.

When they reached Moore Street they entered number five, Dunne's Butchers, and immediately began tunneling from one house to another. The next morning, Saturday, they quickly realised that the wounded James Connolly, who had been placed on a panel door as a makeshift stretcher would not fit through the openings they had made. The men then placed Connolly in blankets and bundled him in great agony from house to house. When they reached number 16, Plunkets, a poultry shop, they placed him upstairs in the back room.

This small room, in a small house, in a small market street, in the heart of the capital city was to be the last place where the members of Provisional Irish Government held their council of war. Pádraig Mac Piarais, Joseph Plunkett, Tom Clarke and Seán Mac Diarmada all took their places around James Connolly and discussed what to do, while Elizabeth O'Farrell,

Winifred Carney and Julia Grenan tended the wounded. The leaders decided that it was necessary to surrender to save further lives."

In a letter to his mother dated 1 May 1916 Pádraig Pearse described the events around the evacuation of the burning GPO:

"My dear Mother,

You will, I known, have been longing to hear from me. I do not know how much you have heard since the last note I sent you from the GPO.

On Friday evening the Post Office was set on fire and we had to abandon it. We dashed into Moore Street and remained in the houses in Moore St on Saturday evening. We then found that we were surrounded by troops and that we have practically no food.

We decided in order to prevent further slaughter of the civilian population and in the hope of saving the lives of our followers, to ask the General Commanding the British Forces to discuss terms. He replied that he would receive me only if I surrendered unconditionally and this I did ... All this I did in accordance with the decision of our Provisional government who were with us in Moore St..."

Dr. James Ryan, who was the Medical Officer attached to the GPO Garrison recalls in his contribution how Tom Clarke, who had spent more than 15 years in prisons in England, many in solitary confinement, told him of his experience evacuating the GPO.

Mac Lochlainn records: *"He (Clarke) was with them as they tunnelled their way through the wall of the houses in Moore Street, as they carried the wounded Connolly in a sheet. He was with them when, some hours later, temporary headquarters were set up in No. 16 (Moore Street) and he was, of course, one of "the members of the Provisional Government present at Headquarters" who, at Connolly's bedside decided, some time before noon on Saturday 29 April, to negotiate terms and a couple of hours afterwards to surrender unconditionally..."*

This is Moore Street. It is part of the 1916 Battlefield site - the laneways of history. It has been described by the National Museum of Ireland as; *'The most important site in modern Irish history.'* Today it is again a battlefield site. A major development company - with the support of past Irish governments - seeks to demolish much of these laneways to build a Shopping Mall. The four houses - 14-17 Moore Street - which are alone designated a national monument have been neglected and are in a poor state of repair.

The battlefield site encompasses the entire Moore St/O'Connell St. area. It stretches from Tom Clarke's shop on Parnell Street; to the GPO; to Jenny Wyse Power's home on Henry Street where the 1916 Proclamation was signed; to Moore Lane and Moore Street where the GPO Garrison retreated; to the spot where 'The O'Rahilly' died; to 16 Moore Street where five of the seven signatories of the Proclamation - Seán MacDiarmada, Pádraig Pearse, Joseph Plunkett, James Connolly and Tom Clarke - held their final meeting; to the Rotunda where the garrison was held by the British and where the volunteers had been founded three years earlier.

Recently the Moore Street Preservation Trust published its proposal for the development of the Moore Street Battlefield site. The plan was commissioned from a team of leading Irish architectural firms, planners and consultants. They believe that their plan *"will not only reverse decades of official neglect but also act as a catalyst for the future regeneration of the city's Northside. The plan also fully meets the recommendations of Minister Darragh O'Briens Advisory Group on the development of the Moore Street Battlefield as a historic cultural quarter."* It also takes account of the needs of local businesses and the Moore Street Traders.

This planning application is close to a National Monument and Protected Structures at 14-17 Moore Street and the development proposed including the large scale demolition of Moore Street and Henry Street buildings close to the monument will have a serious negative impact on the area.

This planning application which has been granted permission by Dublin City Council does not take account of the historical importance of the existing buildings on Moore Street and Henry Street by permitting their demolition.

The Dublin Central GP site

It is important to note that the proposed development by Dublin Central GP amounts to an area of about 5.5 acres. This particular site is only part of a large site which has been divided into six separate planning applications, of which three have been submitted to Dublin City Council and three further applications are signalled for submissions at some future date.

The breaking up of the proposed development in this way makes it extremely difficult, if not impossible, for citizens to envisage both what the complex and extensive development itself will entail and its impact on the wider city centre. No clear overall master plan has been presented, despite the submissions made.

The sites covered by this application (2862/21) and the two accompanying applications (2861/21 and 2863/21) are really one site, yet they are broken up into three separate applications, making a clear assessment most difficult. For example the terrace 10-25 Moore Street is split between two of the applications as are the proposed spaces to the rear of these buildings.

It is my observation that the piecemeal approach to the proposed 5.5 acre development is inappropriate and unfair to the public who cannot see the scale of the overall "master plan" development. For this reason I believe this application should be refused planning permission by the Board.

The Development Plan

The proposed development site is located within zoning objective Z5 of the Dublin City Council Development Plan - 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

An area of the site is within the O'Connell Street Architectural Conservation Area (ACA) and it also adjoins a national monument and protected structures at Nos. 14-17 Moore Street and is within the curtilage of a protected structure (Nos. 52 - 54 Upper O'Connell Street).

The ACA statement says it recognises that "ordinary building stock" together with the "stock of historical and cultural memories and associations attached to these buildings and public spaces" generate the special character within the ACA boundaries. Therefore, notwithstanding the historical importance of protected structures within the ACA boundaries, the importance of the laneways and non-protected buildings within the ACA boundaries cannot be undermined, particularly given the nature of the activities that occurred within the area and what this meant for the State.

It is my observation that the wholesale demolition of buildings in this planning application and the creation of a hole punched into the streetscape with an out of scale arch is contrary to the above ACA statement and I ask the Board to refuse such demolition by refusing planning permission for the proposal.

Conserv( )n appraisal

Dublin City Council's Conservation Officer was correct when she stated: *"These streets and lanes played an important role in the 1916 Battlefield and the evacuation routed taken by the volunteers"*. And yet the planning decision appears to have ignored this fact. One notable failing in this regard in this application is the failure to recognise the survival of and to incorporate the original 1760s building plots and their boundary/party walls - particularly the lands to the rear of the Moore Street houses.

The development is in Contravention of the stated policies and objectives of the Dublin City Council Development Plan in this regard and is highly destructive of the surviving plots, particularly to the north of the National Monument and the insertion of the double height arch in the streetscape disturbing the historic integrity of that streetscape and the integrity of the subject lands. It is difficult to see how the proposed development can be of benefit to the historic environment as it is of such a destructive nature in respect of the original plot layouts as to suggest a significant lack of awareness of the relevant Conservation Charters which apply.

It is my observation that this application cannot be considered as either appropriate or desirable for this sensitive heritage-rich site.

The proposed development will have a serious adverse impact upon the on-site and local Historicand Heritage Fabric.

I suggest that An Bord Pleanála refuse permission for the proposed development.

The Planning Process

Dublin City Council sought a three-dimensional scaled model as part of its request for Additional Information. This was provided yet there was no public notification of its display in Civic Offices, Wood Quay, and citizens were unaware of its existence.

There were delays at all stages of the planning process in uploading the application information online and this was an especially serious omission at a time of Covid restrictions. These delays meant that the right of citizens to participate in the planning process was denied, the statutory time and full information not being available.

The Council's grant of planning permission includes an extensive range of conditions but with no opportunity for the citizens to assess and respond to the applicant's implementation of these conditions, some of which lack detail and specificity. For example, the Council requires a further unspecific re-design of the applicant's proposed archway which would split the terrace 10-25 Moore Street in such a way that this would be essentially a private process of negotiation between the Council and the applicant with no public say on the final as yet unseen design.

In June 2021, Dublin City Councillors, as elected by the citizens of Dublin, passed a motion to list Nos. 10-25 Moore Street as Protected Structures and therefore urged Dublin City Council to take action to proceed with the process of listing 10-25 Moore Street as Protected Structures. It is difficult to understand how a decision to grant planning permission was made before this process has been brought to a conclusion.

I believe that the decision to grant planning permission for the site is unfair, as the same decision maker, Dublin City Council, will now decide on the listing of the proposed Protected Structures at 10-25 Moore Street.

It should also be noted that the inclusion of work to public lanes and interference with those lanes as part of the application does not have Dublin City Council's permission.

I am asking that the Board overturns the Council's decision to grant planning permission.

The proposed Moore Street archway and scale of development

There is little doubt that the most contentious part of the application for many is the proposed puncturing of the Moore Street streetscape with a large scale archway, close to the National Monument. It is proposed to wipe out the historic Moore Street terrace with this proposal, which is totally out of context with the locality.

It is noted that this was of serious concern to the Council's Planning Department, so much so that as part of the Further Information request the Council stated: *"that there is concern in relation to the design of the proposed archway, including the scale and articulation which appear unresolved in relation to the grain and rhythm of the immediate streetscape"*. But the Council then agreed in principle to the opening of the streetscape, a contention that the Preservation Trust strongly disagrees with because the proposed archway will interfere, alter and partly destroy the National Monument and its curtilage at 14 to 17 Moore Street. It will also require the demolition of No. 18 Moore Street, a 19th century building part owned by the State and under the control of The Minister.

In terms of the scale of development this site needs to be studied in conjunction with the concurrent planning applications. There is little doubt that the proposed nine story building block (even if slightly reduced in scale by the Council's planning condition) on an adjoining site will have a detrimental effect on the Moore Street streetscape. Once again it highlights the inappropriate subdivision of the 5.5 acre site into smaller sites for submissions to the planning authority and consequently is unfair and is flawed as a planning process.

I am asking ABP to overturn this decision.

Moore Street Traders

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

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

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

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

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

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

Conclusion

From my above observations above An Bord Pleanála will note that I have a deep concern at Dublin City Council's decision to Grant Planning Permission for this development. The permission granted is extremely vague with an inordinately high number of Conditions whereby the development will be reassessed by the Council and Developer alone, prior to commencing on site. This removes the citizens of Dublin from the equation and ensures the voices of objectors are eliminated. In essence the permission granted by the Council is a non-decision, a decision in "principle" - to be revisited at a later stage between Developer and Council, without any possible input from citizens.

My final observation is that An Bord Pleanála must now overturn the Council's decision and refuse planning permission for this proposal. The development, in conjunction with the proposed adjoining developments, is inappropriate in scale and content, takes no proper account of the adjoining National Monument and Protected Structures, ignores those buildings currently being assessed as Protected Structure, proposes the unnecessary demolition of many buildings, punctures an ugly hole in the streetscape and will have a negative impact on the existing historic streetscapes.