

File With _____

SECTION 131 FORM

Appeal NO: ABP 312642-22Defer Re O/H ☐Having considered the contents of the submission dated/ received 12/02/24
fromBrian McGrath 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 issuesE.O.: At Close.Date: 15/2/24

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 FORM

Appeal No: ABP 312612

M _____

Please treat correspondence received on 12/02/24 as follows:

1. Update database with new agent for Applicant/Appellant _____ 2. Acknowledge with BP <u>23 amended</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"/>
--	--

Task 371852-24

Amendments/Comments
<u>Brian McGrath Response to S131</u>
<u>- Refund to issue</u>
<u>amended BP23 - task : 371852-24</u>
<u>on Ldg. 069839 -24</u>

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 <input checked="" type="checkbox"/>
--	--

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Liz CLM.</u>	AA: <u>Cathy Carleton</u>
Date: <u>15/02/24</u>	Date: <u>15/02/24</u>



Planning Appeal Online Observation

Online Reference
NPA-OBS-003143

Online Observation Details

Contact Name
Brian McGrathLodgement Date
12/02/2024 17:38:31Case Number / Description
312642

Payment Details

Payment Method
Online PaymentCardholder Name
Brian McGrathPayment Amount
€50.00

Processing Section

S.131 Consideration Required

☐ Yes — See attached 131 Form☐ N/A — Invalid

Signed

EO

Date

Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50.00

Lodgement No

LDG— 069839-24

Reason for Refund

No requirement for fee with a Resp to SIBI

Documents Returned to Observer

☐ Yes ☒ No

Request Emailed to Senior Executive Officer for Approval

☒ Yes ☐ No

Signed

Lisa Quinn

EO

Date

15/2/24

Finance Section

Payment Reference

ch_3Oj3SdB1CW0EN5FC0lwQyrj0

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

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

Observation on Dublin Central block application - APB-312642-22 DCC Ref. No. 2862/21

Brian McGrath. 12th 10th 2024.

Re. Protected Structure: Permission for 7 years to include: 15 apartments, café/restaurant with takeaway facility, cultural use and office use, conservation/preservation works. An Environmental Impact Assessment Report (EIAR) accompanies this planning allocation.

10-13 & 18-21 Moore Street, 5A Moore Lane & 6-7 & 10-12 Moore Lane & 17-18 Henry Place, Dublin 1.

DCC senior planners Nicci Nolan / Garret Hughes:

Re. Appeal case numbers: APB-312603-22, APB-312642-22, APB-313947-22.

Shane Stokes:

Cultural Importance of Moore Street are given inadequate protection by the developers, I agree with this principle and that the entire Moore and O'Connell Street Terraces deserve listed protection and cultural quarter status.

Garret Hughes:

Board should have regard to Dublin City Development Plan Appendices, including Volume 2 Appendices and Volume 4 Record of Protected Structures. Buildings on Moore Street have been added to the RPS by a DCC council meeting on 7th November 2022 – No.10 Moore Street, No. 12 Moore Street, No.13. Moore Street, No.14 Moore Street, No.20-1 Moore Street, 4-8 Henry place, 17-18 henry Place. These submission are currently the subject of a judicial review. Removal of Protected Structures on O'Connell Street and Moore Street and replacement with façade only is a violation of the Planning Act 2000. The developers refusal to accept further listing of the entire Moore Street Terrace should be seen in that regard.

DCC Councillors Submission:

Dublin City Councillors have asked the board to consider Moore Street terrace as listed, despite this being under legal challenge by Hammerson, the principle being that the entire terrace is of complete historic value, which of course is correct.

The councillors also considered that the *cultural hub and quarter should include O'Connell Street, Parnell Square and Moore Street* they constitute a single integrated quarter in this part of the city and that they are not separate. In other words, both terraces are of equal value in relation to each other.

In terms of the listing of the entire Moore Street Terrace, the Planning and Development Act 2000 states that the City Council will manage and control external and internal works that materially affect the architectural character of the structure through the development management process, it is therefore important that the Council have jurisdiction over the process.

Also, with regard to the Moore and O'Connell Street terraces, planning permission is required for any works, including repairs, which would materially affect the character of the structure or its special interest. p.346. Planning and Development Act, 2000. The curtilage of a protected structure is often an essential part of the structure's special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function. However, the curtilage of a structure can also be expansive and be affected by development at some distance away. p.346., *ibid.*

The Moore and O'Connell Street terraces can be regarded as curtilage, as each building, though separate, is an integral part of the other. It is my contention that curtilage, extends not merely to the adjoining or rear structures of O'Connell and Moore Street Terraces, but the adjoining buildings themselves in a terrace, and that is in fact the spirit of the legal protection process.

Also, the works involved *must not materially alter the character of the structure*, demolition alters the character of the structure, façade retention or not. " 57.—(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of — (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest." In my view, the councillors are simply supporting the spirit of the protective legislation.

Relatives to the 1916 proclamation:

The relatives describe the National Museum description of the area described as the 'most important site in modern Irish History'.

In doing so, planners ignored the call by elected members to preserve the Moore Street district in situ, and ignored opposition from the Department of Housing and Heritage that called for a redesign of the plan, given its cultural importance. The call by the councillors for listing of the entire Moore Street terrace has the support of the 1916 relatives and members of the advisory group to the Minister and is in line with the recommendations of the Dublin City Council Moore Street Advisory Committee. The objectives of the Dublin City Development plan and the Lord Mayor Forum Report – The Lanes of History commissioned by DCC and international charters on the protection of history and heritage.

In relation to the Dublin City Development plan 2022-8, the Moore Street (and O'Connell Street) are still intact and in form mirrors how the quarter appeared when first laid out. Terrace 1-25 and adjacent lanes A restoration plan is needed towards the creation of a 1916 cultural historic quarter rather than another shopping precinct in an area of huge historical significance. The area is ready made (with restoration) for the creation of a cultural quarter. In fact, architects could be hired to design refurbished spaces, rather than demolition and reconstruction, which is not justified in the current environment. (In relation to the shopping precinct comments, it might be added that the proposed redevelopment of Arnotts was abandoned to the justified fear that adding a massive amount of retail space was not necessary in the O'Connell Street environment.

This historic quarter would connect Parnell Square, Moore Street with its associated history to the Rotunda Hospital in Parnell Street, directly facing the proposed development.

14-17 Moore Street - The existing monument cannot be seen in isolation, and has to be seen in its proper cultural context in accordance with European best practice and guidelines (The Venice Charter). In short, the quarter is largely run-down, but retains its essential character, which has not been altered despite its neglect largely due to waiting for this scheme, a unique intervention in a European context, in my view.

The Moore Street market – successive developers have paid scant regard to the importance of the market in the social history of the city in any of the proposals to date. This large-scale development will lead to the death knell of Moore Street as a trading street. The question is also why another massive retail development is being proposed on a quarter of the city already well covered by shopping centres.

The Hammerson application does not recognise the findings of the High Court or Court of Appeal that the area in question as the ‘cradle of the republic’ meets the criteria by the courts for protection and preservation as a National Monument. This is a crucial point, the entire terrace and the quarter itself is a historic entity, and deserves protection. The question should be why the developer opposes the listing process.

The application fails to take into account the requirements of the Dublin City Development Plan. The Hammerson application takes a commercial approach to the development of the most important historic site in Irish history’ (National Museum’) rather than the Moore Street Preservation Trust’s conservation/cultural approach. I agree with this position. I would add that each building is integral to the other, that is., neither Moore nor O’Connell Street terraces can be touched.

The Hammerson legal challenge to the listing of the terrace shows a complete disregard to the historic importance of the location. I agree with the relatives, on these grounds, permission should be refused.

Little & Associates:

p.4. Little asserts that the the Dublin central master plan is a significant urban regeneration project and encourages high quality urban design and architectural detail contributing to the historic streetscape and creating new points of interest in the area. I would argue that the provision of a small cultural centre is not compensation for the loss of what should be a protected terrace, and the design is mediocre, repetitive and oppressive.

Some of the buildings are afforded legal heritage protection and many others are not. There is significant potential to revitalize this central urban quarter of duplicity through redevelopment and adaptive reuse and in turn to stimulate the regeneration of the surrounding areas including the cultural quarter at Parnell square. Adaptive use should not entail demolition of what should be protected.

Little asserts that Hammerson’s ‘conservation approach’ inside Block 4 seeks to ensure that buildings of historic significance are brought to viable reuse instilling new life and activity into hitherto unusable floor space notwithstanding its location overlooking one of Dublin's premier shopping streets.

It seeks to strike an appropriate balance between the conservation of a representative collection of 19th and 20th century buildings and the provision of high quality retail color residential color cafe slash restaurant and cultural floor space it will drive the regeneration and active use of this significant central location. The general appearance, the historic uses and associations are largely maintained, particularly along Henry Street and Moore Street (it is striking that the application response asserts that the development protects historic use on Moore street, but not on O'Connell street). The photomontages provided in the application indicate otherwise, the aspect onto Moore Street is banal in the extreme and

p.12. Little asserts that the development aims to secure Dublin's position as an internationally competitive capital with regard to the 2022-8 Dublin City development plan, which aims to safeguard and hands the said as well as to promote strategic and targeted employment growth support regeneration and tackle vacancy support the creation of high quality urban space in the transition to a low carbon green circular economy, support key economic sectors and foster local economic development and social enterprise search for from spatial wider regeneration and development project. ?

The Dublin central plan comprises an area comprising almost three entire urban blocks located between O'Connell St. upper Parnell St. Moore street and Henry St. The overall development is largely composed of offices and retail. The prospects of retail in the city centre are uncertain, and Dublin now has large-scale office vacancy. Barring massive expansion of the economy in 7 years, the proposed office space in Dublin Central will remain vacant.

Little acknowledges that the Moore Street / O'Connell street quarter currently accommodates a range of existing buildings of varied form quality and architectural and cultural heritage significance which have accommodation of variety of uses the development of the city evolved over time. The question is why such a unique assembly of terraces requires demolition, to facilitate office vacancy, instead sensitive refurbishment for retail and residential use.

Little goes on to state that what we might call the Dublin Central quarter has experienced significant underutilization and decline, notwithstanding that O'Connell Street is one of Ireland's premier thoroughfares and Henry Street is one of Dublin's busiest shopping streets, not all of the buildings are individual plots locations in the adjacent project area are currently occupied and developed in a manner that is reflective of this context. pp.12-13.

This is correct, however it is unclear how demolishing the historic terraces contributes to urban renewal, given the massive emphasis on offices in the overall development.

Little goes on to reference the Dublin Central development as enhancing the competitive position of Dublin city centre, including the reintegration and adaptive reuse of existing built fabric that is important to cultural identity, the master plan seeks to 'inject' new life through the sustainable regeneration and revitalization of the area.

Again, this is not a sensitive reworking of Moore and O'Connell Terraces, but demolition of both, with façade only reconstruction on the premise that mass office and retail space will somehow bring 'vibrancy.'

Moore Street Preservation Trust:

Dublin City Development Plan 2022-28. (Including changes from previous development plan relevant to ongoing appeal).

Dublin has a number of significant cultural quarters and hubs, supported by previous development plans. Cultural quarters identified in this plan are: i. South Georgian Quarter, ii. North Georgian Quarter, incorporating O'Connell Street, Parnell Square, and Moore Street collectively. Kilmainham/Inchicore, Temple Bar, and Docklands.

Cultural clusters and hubs: The creation of interlinked cultural hubs with interlinked activities (restaurants, bars, galleries, and venues) to create vibrant, defined cultural quarters and communities with the city.

Various cultural institutions are listed, including Parnell Square and North Inner City including Moore and O'Connell Street. It is my contention that the proposed development acts counter to any emerging cultural quarter, and will not enhance Dublin City Centre.

It is also my view that the proposed demolition affecting O'Connell and Moore Street Terraces acts directly against protective legislation in Ireland and against the spirit of *Article 5 of the Convention for the Protection of the Architectural Heritage of Europe*

Article 5. "Each Party undertakes to prohibit the removal, in whole or in part, of any protected monument, except where the material safeguarding of such monuments makes removal imperative. In these circumstances the competent authority shall take the necessary precautions for its dismantling, transfer and reinstatement at a suitable location." (ratified by Ireland in 1997).

If listed buildings can be destroyed then the protective heritage legislation is redundant, it has no legal value and can be overridden. O'Connell and Moore Street terraces are therefore a test principle of this perspective. The legislation is clear that a *separate planning process initiated by the local council is necessary to remove a protected structure*. This clearly has not occurred, and the properties remain on the protected structures list. ***Delisting is for purposes of Conservation, not removal:***

This proposal is direct violation of the spirit and substance of current Irish planning and heritage legislation and arguably, of the *Convention for the Protection of the Architectural Heritage of Europe*.

Yours Faithfully,

Brian McGrath.

16 Glenmore Road,

Dublin 7

D07 RH9E

12th 2nd 2024

