

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 313947-22

Defer Re O/H

TO: SEO

Having considered the contents of the submission ~~dated~~ received 15/08/2022from Angus O shodaugh TD& Cllr Máire Devine I recommend that section 131 of the Planning and Development Act, 2000is not be invoked at this stage for the following reason(s): no new material issues raisedE.O.: Aisling KellyDate: 23/08/2022

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 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

## Aengus Ó Snodaigh TD

Urlabhraí Gaeilge, Gaeltachta, Cultúir agus Ealaíon  
Spokesperson on Gaelic, Gaeltacht, Culture and the Arts

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### AN BORD PLEANÁLA

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

15 AUG 2022

Fee: € 50 Type: cash

Time: 16.05 By: hand

A chara,

We, Aengus Ó Snodaigh TD and Councillor Máire devine wish to record the following objections to the planning permissions given by Dublin City Council to planning applications 2863/21 Which we made an objection too also when permission was sought last year 2021.

Firstly we believe that the site in question are of such national and international historic importance that the consideration of the applications for 'development' warrant a full oral hearing.

The three applications are in fact conditional on future planning applications being granted, permissions which have yet to applied for and may never be applied for, given that the applications currently before An Bord Pleanála having achieved planning permission has already inflated the value of these holdings for the property group Hammerson.

The three applications are interlinked and involved a contiguous and co-dependent site with each other and with the unseen other applications, and the intention is to develop the site as a singular entity, as can be seen by the title Dublin Central which the scheme has been promoted as. The applicant does not in fact have vacant possession of all the properties in question, doesn't in fact own all the properties and the authority to give consent to a developer to include such properties in the development is questionable and contested by the elected members of Dublin City Council in one instance, by the actions of Dáil Éireann only last year when they endorsed unanimously the Ceathrú Chultúir 1916 Bill 2021 which intends to protect the whole streetscape and buildings in the vicinity.

It is my understanding that the Developer does not own, 24/25 Moore Street, does not own part of No.18 Moore Street which are contained within the three applications submitted to DCC in June 2021. With no permission for the sale of 24/25 Moore Street granted and no department or Ministerial consent for the knocking of no.18, which the applications are reliant on with the third application 2863/21 containing the compound and service yard for the other two developments, these applications should not be reviewed separately but together and if one falls they all should.

The applications are also contrary to the stated position of the holder of the Minister for Housing, Local Government and Housing Darragh O'Brien who produced an earlier version of my bill called Cheathrú Cultúr Bille 2021 he called his bill Moore Street Area Renewal and Development Bill 2015 which was submitted in the Seanad in 2015. This bill also called for the area to be persevered as a Culture Quarter.

Interfere with context of the National Monument, don't agree that the works would fully respect the National Monument 14-17, which includes the garden and access to the back lane etc

The application or the site has not been fully independent assessed, as no full archaeological assessment of site has been carried out and DCC voted to include numerous buildings within the development to the protected structure a process which is ongoing, I find it crazy that they granted planning permission while such a process is ongoing. Never mind knock buildings that interferes with the plot lines of the terrace including buildings which the last developer Chartered Land said was per 1916.

dependent totally on other planning permission application (s) as yet not made, but the intent of which can be gleaned from the published documentation around the conceptual "Dublin Central" which the developer Hammerson has presented as the overall intention for its holdings coupled with those of the State, a State company and the local authority Dublin City Council which are central to its applications. It is further dependent on, an as yet unconfirmed, unapplied and only at concept stage underground Metro for the city of Dublin. This underground public transport network had been touted for decades, but has not been delivered and even recently its start date for construction and delivery was further pushed out by National Infrastructure Ireland Minister, for Transport Eamon Ryan. It is still at concept stage, no Railway Order has been applied for, no funding set aside and no route has been confirmed. The reason we raise this as being relevant to the consideration of these applications is that the footfall associated with such a Metro, specifically if a Metro station is allowed at a location under such development with a passenger entrance and exit at their preferred O'Connell Street/Moore Lane point, is the justification for the whole scheme. They are not stand-alone schemes and will not be proceeded with without the rest of the scheme (O'Connell Street Metro) being granted permission.

Further to that, the justification for interfering, as these applications do, with the conservatively delineated national monument, 14-17 Moore Street, in the form of a monstrosity of an archway and the destruction and removal of number 18, is to allow the above footfall to filter onto Moore Street from the Metro via a new roadway/ pedestrian route through what was the back yards and gardens. This area is specifically the area described in accounts as where the regrouped Irish republican soldiers from the GPO gathered to receive the military order to surrender from the Council of the Republic which had met in Number 16.

While we would contest the limited designation of just 14 to 17 Moore Street as being the extent of the National Monument, the proposed scheme is intent on encroaching on the curtilage of that monument with its pedestrian route through 18 Moore Street and gardens and rear of same.

We further believe as we stated in our objection to these three co-joined applications, that the planning authorities have a duty not only to take into account the planning laws, the Dublin Development Plan as it exists, but also indicative planning policies as indicated by the legislature and the City Council, and of course the greater good.

It is in that context that the Dublin Central planning applications sit and we for one cannot see how the future vision for Dublin city centre or the greater good can be served by the destruction of the oldest street market in the city; the destruction of 1916 building and streetscape and the closure of long-established businesses with the possibility of continued dereliction due to a 15-year permission being sought or a traffic bottleneck created during construction which could be for years.

The planning permission should be refused because there are better alternatives set out for the area one of which has the support of the democratically elected members of parliament for the area, including those for the electoral division in which this site sits, as set out in my own An Cheathrú Cultúr Bille 2021. The Moore Street Preservation Trust have produced a scale model of another similar vision and others have produced ideas and vision for the area which are at odds with what has been proposed by Hammerson in their Dublin Central planning masterplan.

The intent of the Sinn Féin bill passed by the Dáil at Second Stage is to create a Cultural Historical Quarter covering the extent of the Moore Street Battlefield Area, protect

restoring, and preserving the full 1916 streetscape and buildings with the once thriving food market and the area's shops. Such a development plan would be a contract between a city and its people, but to allow the Hammerson vision as captured in these applications would be to allow commercial considerations to dictate the destruction of a historical part of the city. It would be a breach of the thrust the citizens have in their Council if what they hold dear is erased.

The status as this being most historic street in the state will be lost forever.

As the ad says, "once it's gone, it's gone".

As we have stated There are many alternative and viable solutions for re-energising of this area which has been purposefully allowed become a derelict eyesore in the hope that people would accept any development rather than have the continued shameful neglect and dereliction. That dereliction has been encouraged by its previous and current owners and assisted by the failures of Dublin City Council to keep the street market alive, the failure to CPO buildings left derelict, including those being hoarded as developers build their proposed development site.

There is no denying that a future Moore Street will need a more mixed usage than its current retail offerings and this is reflected in the vision of the Market expert group and in my Cheathrú Cultúr Bille 2021. These planning applications do not strengthen, reinforce or integrate with the existing Moore Street market or the remaining independent businesses. In fact, the market and businesses will more than likely be lost FOREVER throughout the lengthy construction phase.

There is no denying either that the area surrounding the proposed site require upgrading, modernisation and investment, though much of the vicinity has seen development of apartment blocks, shopping mall and hotel in the past 20 years, and there have been plans for an upgrade of the Arnotts footprint.

None of that dictates that a street so important in Irish historical context or our heritage should mimic the modernising office/retail block development which has been built around it. There is an opportunity to do something different and set a standard, reflect a vision which would attract people from afar and near to see a living street market in a context of a street so important in the revolution that was the 1916 Rising which came basically to an end in the lanes and building within the footprint of these planning application, namely the 1916 Moore Street Battlefield Area.

While an Historical, Cultural Quarter concept is not reliant on state investment to be successful or even initiated, it is preferable that National Monuments is in the hands of the State, to protect and promote them. In this instance the whole site was in the view of the High Court a National Monument.

There are example of historic or cultural quarter flourishing and the Titanic Quarter in Belfast for instance has been deemed a success story.

Much of the footfall which the viability of these planning permission Dublin Central are dependent on are illustrative of a pre-Covid time, when more shopping was done more in person than online, when the demand for offices in Dublin City centre was high, whereas now the world has changed, and much of what had been envisaged re shopping on-line and working remotely has come to being.

As we have indicated Earlier in this submission another central tenet of the Dublin Central application its dependence on is that Metro North going ahead, that a Railway Order will be granted, and that Metro North will use the building in O'Connell Street to host the Metro station, with people spilling out onto Moore Lane and O'Connell Street. There are too many variables there to build a future footfall on which the commercial retail element of the Dublin Central plan to be dependent on. Any one of those variables could fail, there is no guarantees, which may end up with the area being a ghost-town area again and unviable.

These buildings have been described as the most important buildings in the state by the National Museum and Dublin City Council must ensure prior to the planning process proceeding that Dublin City Council and an independent team of conservational architects and archaeologist should be allowed complete the work of inspecting each and every building, garden walls, yards, and basements to assess them to establish if they contain pre-1916 elements.

This is even more important as the previous developer-Chartered Land stated that buildings that Hammerson now claim are post 1916, are in fact pre-1916, notably no.18 which Hammerson propose to completely demolish but also no. 22 is party wall.

If permission is granted the fabric and context of the laneways will be forever changed removing with them the visage the Volunteers of 1916 once had. Any alteration in the way imagined by Hammerson in their Dublin Central plans would be removing the walking tour stories', real-life experience possibilities and much of the heritage of the area. It's easier to explain how an area looked like if it is still there. This visual should not be removed as it hinders the ambiance and visuals of the walking tours affectively altering the story of 1916.

It is also not correct to state as some have that only 18-19 Moore Street and the White House would be the only buildings due to be fully demolished, other buildings 10-13 and 20-25 will be demolished or partially demolition which the High Court had stated were part of the National Monument.

Much of these processes in relation this site will be dependent on whether the minister permits the destruction of 18/19, 13/12 which he has a say in due to their boundaries being shared with the buildings the state hold and that have been declared as a national monument 14-17 Moore Street. We would hope that the planning authorities will bear this in mind when taking their decision as the current plans does not take due care of the

relationship between these building 18/9 and 12/13 Moore Street and the state-owned 14-17 which they have indicated as a 1916 heritage centre and which are a declared National Monument for a number of years now. The logic is that the whole terrace and their associated yards and the paths and lanes abutting it form a contiguous site and therefore an injury to one portion of it, is an injury to the whole. The fact that injures where inflicted on the terrace of Moore Street in the past does not justify the replication of such a misguided approach.

The demolition of No.18/19 to make way for an 'archway' which is totally out of context with terrace and would be visually intrusive on the historic nature of the area. Not continuing the line of the terrace would be a missed opportunity to allow the retelling in buildings of the story of that fateful few days in April 1916. These issues while seemly unconnected to this current discussed application is connected as stated before the is one giant 5.5 arec site, being parcelled off as 6 applications but one application at the same time.

There is a need for any building works to have a minimum intervention to protected structures, which is not the intention here

The dead hand that enveloped the of Moore Street Market and its 300 years of Heritage has prevented this once vibrant market from flourishing and any planning application must ensure that the needs of market stall holders now and the future must be considered.

Again, these applications fails to measure up to the proposals of the Moore Street Market Expert Group. The heritage, tourism and economic value of the market should not be underestimated or, but rather embraced and helped to flourish again. Market Street stall holders are facing a further 15 years of their stalls not being viable due to continued dereliction, disruption to business, lack of footfall, a 15-year planning permission and the length of time it would take to build a site. The same is true of the remaining businesses on the street. There is no denying that the market should be revitalised, with new and varied products, and I know from working and talking with some the stall holders that they would be happy too, as they have already, embrace the changes to the nation's palates and trends of today.

The Moore Street Market contributes to the cultural vibrancy of the city and is part of the city's cultural infrastructure – Any loss of the market would be contrary to development plan policies CHC24 and CHC33 and would severely impact remaining independent businesses on Moore Street.

Major questions still exist around the ability of this site and the further three applications which would be connected to it when Hammerson submit them for the O'Connell Street properties around transport, traffic etc. There are major public transport routes flowing directly past between Luas and bus service, without considering the vehicular traffic on O'Connell Street and Parnell Street.

It should be remembered that the businesses on Moore Street and even the adjoining streets must also continue trading to survive and they also need to be supplied and they must also trade, so traffic must be able to deliver and collect from them. A single direction of traffic ~~into~~ into the site and exiting onto Parnell Street is likely to restrict their ability to trade, especially that at a given time there could be the parking or stacking of some 20,30,40 plus trucks at any given time within that area causing a traffic bottleneck, discouraging customers, and making near impossible to guarantee delivery to customers within a given time. The area traffic wise could be at a standstill during much of the construction phase which is estimated to take with no hic-cups over three years, that's for these three applications alone.

It should also be remembered that one of the State's main maternity hospitals is also nearby and there needs to be guaranteed access maintained for ambulances, and that building works cannot be allowed prevent the hospital operating in any way nor be noisy, dirty, dusty in a way which will affect the mothers and their children or any other aspect of the working of the hospital.

It should not be taken as a given that the Developer, Hammerson, has the wherewithal to develop this portion of the site known as Dublin Central and that given the underlying precariousness of the parent company, that in all likelihood the site would if given planning permission would be sold on, flipped. This would ensure that the purchaser, as in majority of other flipped site, would apply for a different planning permission, further extending the dereliction of the area. The only realistic and deliverable plan for the Moore Street Battlefield Area is for the state to purchase, CPO or otherwise acquire the full site and develop it along the grounds as envisaged by my An Cheathrú Cultúr Bille 2021.

We contend that the city centre doesn't need any more major shopping or retail space on the scale imagined and that this site along with the GPO should be central to refocussing the city on drawing people into its heart to enjoy its culture and heritage.

Much of the city centre is derelict, with many of the main streets and shopping malls struggling to attract new tenants due to high rents, lack of footfall and thus they will all be competing against each other for the same pool or reduced.

I also believe that proposal contravenes development plan policy SC1 which states that Dublin is intrinsically a low-rise city. Moore Street as a battlefield site is not a location identified for taller buildings. The development plan identifies that Dublin is a low-rise city and requires development to protect conservation areas and the architectural character of existing buildings, streets, and spaces of artistic, civic, or historic importance, and to ensure that any development is sensitive to the historic square and protects and enhances the skyline of the inner city.

This proposal would be contrary to the purpose of Z5 designation by reducing the cultural space within the city centre, impacting on its night-time culture, and facilitating an over



concentration of hotel/retail developments in the area considering the many existing hotels/shopping centres in close proximity. There are already over 40 hotels within 2km of the site, and more than 20 hotels and B&Bs within a ten-minute walk, we don't need any more hotels in the environs of Moore Street.

The site is already a cultural destination for both locals and visitors, which will be reduced in scale and significance if planning permission is granted. The whole site should be sensitively restored. The current proposed planning application is not sympathetic to the local physical or cultural heritage and encroaches on the curtilage of the current declared state-owned national monument or the other protected structures in the area.

There is a Conflict of interest between head of Hammerson Ireland as being one of officials who was involved in sale of national monument to the state when he was employed by nama, before he transferred. Please see below and also note and mistake within below, Hammerson only fully took over the site from Chartered Land/NAMA in July 2017 when he (Conor Owens) was in fact Head of assets recovery, not withstanding he led the sales of this site for NAMA to Hammerson, which he now run.

**From:** NAMA OIR <[OIR@nama.ie](mailto:OIR@nama.ie)>

**Sent:** Monday 25 January 2021 15:46

**To:** Brid Smith <[Brid.Smith@oireachtas.ie](mailto:Brid.Smith@oireachtas.ie)>; NAMA OIR <[OIR@nama.ie](mailto:OIR@nama.ie)>

**Subject:** RE: Info on project

Dear Deputy Smith,

Thank you for your email.

*I refer to your queries regarding Mr Connor Owens and his role in relation to the Project Jewel loan portfolio sale.*

*At the outset, I wish to point out that Mr Owens was not the Head of Asset Recovery during the sales process for Project Jewel, undertaken in 2015. Rather, he was a Senior Divisional Manager reporting to the then Head of Asset Recovery. Mr Owens led the Project Jewel transaction team which reported to the NAMA Executive. The delegated authority level for decisions pertaining to Project Jewel was the NAMA Board.*

*I can advise that Eastdil Secured acted as NAMA's loan sale advisor for Project Jewel. Accordingly, Mr Owens and the project team would have engaged frequently with Eastdil in relation to the process.*

*On advice from Eastdil, an extensive international open market campaign was undertaken for Project Jewel, followed by a formal two-stage bidding process, also managed by Eastdil. I can confirm that Mr*



*Jwens did not meet any of the bidders during the loan sale process and any interaction with the bidders was solely through Eastdil.*

*Hammerson plc / Allianz Real Estate emerged as the highest bidder with a bid significantly in excess of all other bids as well as the Board approved target. The NAMA Board subsequently approved the sale of the Project Jewel loan portfolio to Hammerson/ Allianz.*

*I can confirm that the Project Jewel loan sale process was entirely consistent with industry best practice and section 10 of the NAMA Act.*

*I trust this information is of assistance to you.*

*Kind regards,*

*Susan*

**Susan McDermott** | Communications and Public Affairs

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*This brings me to Recent reports which point to shady dealings to with council officials interfering in with planning process, has highlighted by the article by craig Farrell from the sun newspaper below.*

*DCC offered Moore Street traders €200k compo for redevelopment disruption months before planning permission was granted*

*DUBLIN City Council offered to pay Moore Street traders €200,000 compensation for redevelopment disruption months before planning permission was granted, the Irish Sun has learned.*

*And the Department of Housing, Local Government and Heritage offered to cough up a €300,000 sweetener last year as part of the same deal.*

*Moore Street traders were offered compensation from Dublin City Council months before planning permission was granted Moore Street traders were offered compensation from Dublin City Council months before planning permission was granted. DCC gave the first phase of Moore Street and Henry Street redevelopment the green light last week despite furious local opposition and the presentation of alternative proposals by relatives groups.*

*The Irish Sun understands DCC officials contacted stall holders in April 2021 before the planning application was lodged, offering them a total of €1.5million over four years for inconvenience once works got underway.*

After public and trader representatives had pushed for livelihoods to be protected, it was agreed that developer Hammerson was to pay €1million, DCC €200,000 while the Department would pay the remainder.

Local businesses say the compo offer from a body other than the developer "undermines the democratic process". And sources close to the deal say it's "very strange for a council to be involved in a joint offer with a developer."

The Moore Street Advisory Group was set up in August 2020 tasked with finding a way forward for the beleaguered street which has been plagued by anti-social problems and lower footfall in recent years.

DCC offered Moore Street traders €200k compo for redevelopment disruption months before planning permission was granted. The group reported in to Heritage Minister Malcolm Noonan in May 2021, by which time stall holders had already been offered the €1.5million.

The agreement, which officials said in correspondence was not legally binding, was to assist in maintaining livelihoods and for the inconvenience of being moved around the street once works began.

A full agreement would be drawn up and agreed by the four parties before the redevelopment began.

Earlier this month two applications relating to the historic 1916 battleground site and neighbouring Henry Street were granted planning permission by DCC.

Local butcher Stephen Troy, who condemned the decision as "the biggest planning mistake in Irish history to date", told the Irish Sun: "Incredibly, the Department of Heritage and Housing and DCC are named as contributors to the fund to compensate Moore Street traders.

"This suggests that DCC are not only contributing but propping up the same compensatory fund to facilitate a private developer who would later apply for planning permission to DCC?

"These actions completely undermine the democratic planning process."

#### UNIQUE HERITAGE

The Chairperson of the Dublin 1 Business alliance added: "The goal of the Department of Heritage is to conserve and manage Ireland's unique heritage.

"Yet they are contributing funds to get rid of a 300-year-old market steeped in history, culture and heritage throughout the ten-year construction phase. It is highly unlikely the market would ever return after a ten-year lapse."

The MSAG report included key recommendations on the future of the area, including the way forward for the 1916 national monument at numbers 14-17 Moore Street (which the State owns), the Moore Street market, and the Hammerson plan for the site.

Meanwhile the 1916 Cultural Quarter Bill introduced by Sinn Féin TD Aengus Ó Snodaigh last year and aimed at preserving the historic area received unanimous backing in the Dail and remains at committee stage.

A DCC spokesperson said: "The matter of compensation for Street Traders is a recommendation of the cross party Moore St. Advisory Group. This recommendation is still being considered."

And a spokesman for the Department of Housing said: "It should be stressed that any compensation paid by the Department / OPW would be solely in respect of works at the national monument buildings."

.....

I have also included a copy of an article myself within the Village magazine online edition, which contains some allegations that I believe warrants a criminal investigation. Once that begins, I am sure they will notify yourself.

## Malign manoeuvrings on Moore St. By Aengus Ó Snodaigh TD. Traders allegedly rejected improper payoffs linked to support for development and opposition to culture bill.

### NAMA

In 2009 I was one of four Sinn Féin TDs in the Dáil when NAMA was set up. Ireland's 'bad bank' was characterised then and since, by some, as the scam of the century because it would bailout billionaire developers while at the same time many ordinary people would get evicted from their homes. What was worse is that, despite public monies being involved, the public had only limited access to information about its goings on: how much a billionaire received from NAMA, what discounts it gave away on the sale of land and properties etc.

### Project Jewel

This leads us to Moore Street and to the NAMA portfolio aptly named Project Jewel, the largest property portfolio NAMA would offload, which included a property-holding consisting of a quarter of Dublin's main thoroughfare, O'Connell Street; a large portion of Henry Street; the vast bulk of Moore Street, Moore Lane, and Henry Place; a section of Parnell Street; and 50% of the Ilac Shopping Centre.

Project Jewel – including also 50% of the Pavilions Shopping Centre in Swords, County Dublin; Dundrum Town Centre; and the old Dundrum Shopping Centre – was put up for tender in 2015[1].

## Sale to Hammerson

The Project Jewel sale to British shopping centres' management and development company, Hammerson, was agreed in 2016 [2]. It was finalised in the summer of 2017 [3], under the watchful eye of Nama's then Head of Assets Recovery, Connor Owens [4]. In 2015, before he became Head of Assets Recovery, Owens had also been, as Senior Divisional Manager for Project Jewel's tender, the NAMA person overseeing the process [5]. That Project Jewel was a steal at the price paid for it was demonstrated within months when Hammerson sought to refinance one part of the full portfolio, Dundrum Town Centre for €1.5 billion – just shy of what it had paid for the whole package [6].

If such a gain had been made across the whole portfolio, Hammerson would have been sold €6 billion worth of property by a state company for €1.85 billion – with the state losing out on what would have been a gain to Hammerson and its partners of €4.15 billion. Nama obviously believed it was getting the best deal possible, and there is no suggestion that anything illegal or untoward occurred in relation to this portfolio sale. I nevertheless believe that, given the scale of Project Jewel, a greater price would have been achievable for Nama had the property bundle been broken up into single sites. Such a strategy would probably have attracted more interest from smaller bidders otherwise scared off by the scale of the offering.

A short four years after selling NAMA's biggest asset to Hammerson for that €1.85 billion, Connor Owens would be back in charge of the Project Jewel portfolio, this time as Hammerson Ireland's CEO [7].

## High Court judgment stymies planning application for moment

A 2016 High Court case resulted in the Moore Street area becoming a National Monument. A consequence of that judgment was the blocking of a live planning application which would have destroyed much of this heritage site.

## Establishment of Advisory Groups to implement imperatives of High Court decision

The judgment was appealed and overturned in 2018 by the Court of Appeal[8]. However, against the backdrop of the High Court decision, an advisory group had been set up[9] to “seek a positive way forward” for the area, with the then-Minister Heather Humphreys selecting certain campaigners, 1916 relatives and Moore Street market traders to be members alongside Councillors, TDs and

senators. That group carried out its work and submitted 'The Moore Street Report – Securing History' to Minister Humphreys on 29 March 2017.

A second group, 'the Moore Street Advisory Group', was set up on 25 May 2017, and on 31 July 2019 concluded its deliberations with the publication of its report by the Minister. I chaired one of this group's sub-committees, the Surveys Subgroup, after Peadar Tóibín left Sinn Féin in 2018 to set up his own party.

After the 2020 general election the new Junior Minister for Heritage Malcolm Noonan set up 'the Moore Street Minister's Advisory Group', the third such advisory group.

### Third advisory group reports

This group began considerations in December 2020. It was set an ambitious target to report in just over three months, at Easter 2021, but in fact 'reported' to the Minister a month late on 5 May 2021.

Version submitted to Minister was not that which had been agreed

The version submitted to the Minister and published by him was not that which was agreed by the membership of the group. I and others challenged passages contained in it which were clearly favourable towards Dublin Central, the development being proposed by Hammerson[10]. Given the original stated positions of the members of the group on Dublin Central, voting on the report or aspects of the report was likely to be tight, so any change could shift the thrust of the final report. In the final deliberations on the group's report to Minister Noonan, the traders absented themselves, which they may have felt was better than voting for the report but given what emerged since was unfair on the rest of the advisory group membership as we were in the dark about the wheeling and dealing that had gone on in the background of our meetings. Such knowledge might have persuaded some who were inclined one way to vote the other way.

Unfortunately, that report may well be material to the Bord Pleanála decisions that are awaited, that will determine the future of the site, referred to by the High Court as the Moore Street Battlefield Area.

So why did the report not represent what I thought had been agreed?

## Inferring what happened

I will set out, without naming names, what I have been told or pieced together as well as what is already in the public domain concerning Moore St and voting on its advisory group [11].

## Garda Investigation

Certainly a Garda investigation could better establish the reality of what is not yet in the public domain. As a TD many people approach you and accuse state officials, gardaí, planners etc of being corrupt, and more often than not their accusations are groundless. Without any proof or documentary evidence the allegation just hangs there, hearsay that can't be unheard and can't be pursued. Even those that have a grain of truth in them, my advice has always been for the accuser to take the information they have to An Garda Síochána, but more often than not that isn't done.

Pending such an investigation, and mindful of the need not to defame anyone, let's see what we can infer from information that is already in the public domain.

## Allegation

An important allegation has been made by a Moore Street trader to several unimpeachable people known to me, including to a Moore Street businessman Stephen Troy of Troy Butchers, which can be broken down into the following: that Moore Street market traders received three financial offers, ascending in value with the final offer €1.7million or €100,000 per trader. These offers were made on condition that the traders supported the Hammerson development on the Moore Street Advisory Group (MSAG).

## Silence

The traders were allegedly told that nobody outside the traders could be informed of these financial discussions, especially other members of the group.

vote for Hammerson Plan

They were allegedly told that they must vote in favour of the Hammerson plan and that no objections would be lodged against the planning application to Dublin City Council.

Vote against supporting my Culture Bill

They were also allegedly told they should not support my Moore Street legislation<sup>1916 Culture Quarter Bill 2021</sup><sup>[12]</sup> on the group having originally supported it.

Not reversing their views on the bill would stop them from getting any offers of money.

There is no apparent opposition to my bill. The contribution of Green Party Minister for Heritage Malcolm Noonan was indicative. He told the Dáil, during the debate on 24 March 2021, that he would review the bill in light of the group's report: "Against the background of the imminent report of the Moore Street Advisory Group which is due to report to me shortly. I will clarify as I go along the importance of the report to the question of whether there is a case for the Bill to progress further... I will be asking the committee to thoroughly examine the Bill for those sorts of instances and indeed to assess the extent to which there is justification for the Bill to advance further in light of what emerges from the Moore Street Advisory Group's report" <sup>[13]</sup>.

So I had cross-party support, but that seemed to be conditional from the Minister's point of view on a favourable reaction in the group's report. But it seems that any such support was being actively eroded.

It would be a scandal in a democracy if there were any suggestion that somebody was financially induced to publicly support a development and to vote a certain way on a ministerial advisory group, on a bill that had the endorsement of the Dáil.

Wrongdoing

Not Hammerson



There is no allegation, made or implied, that the developer Hammerson engaged in any wrongdoing whatsoever.

Not Keegan

Nor is Owen Keegan, Chief Executive Officer for Dublin City Council, under any suspicion at all.

Three payoff offers to traders

Keegan did admit that a sum that matches the value of what is said to be the second offer in terms of ascending value had been offered to the traders, though he made it clear it was not at his behest. The offer he acknowledged totalled €1.5 million, of which Dublin City Council would pay at least €200,000 and the Department of Heritage would pay at least €300,000, with Hammerson paying the rest, €1 million. Keegan also confirmed that it was offered in the spring of 2021, which correlates to the time when the advisory group was still deliberating on its remit and preparing its report [14].

A traders' representative confirmed in a newspaper at the end of February 2022 that an offer valued at €1.7 million was made, presumably after the second €1.5 million offer, making it the third offer [15]. The final €1.7million offer was made less than two hours before the traders were due to vote on the report at the final meeting of the group.

The first offer, which is not in the public domain, was in the region of €1 million.

Of course, if the market traders are being removed from Moore Street during construction of course they should be relocated or compensated by the developer, as should owners of other stores on Moore Street which face closure due to the scale of the development.

Four individuals

in the February 2022 edition of Village magazine Frank Connolly confirmed that two of the individuals I have been told were involved in these 'pre-planning financial offers' meetings don't dispute offers were made, but don't believe anything untoward was going on with regard to votes.

The other two involved to my knowledge have not commented on it since the issue became live [16].

#### Position of traders

That such large sums of money were being offered to the traders at the very time the Moore Street Advisory Group was finalising its report of course would or could have influenced the traders' representatives lest they were seen to be supporting a report critical of 'the hands that feed them', in this case Dublin City Council, the Department of Heritage and Hammerson.

Significance of traders' votes: swing votes that could make a majority

Before these compensation offers were allegedly being made, the traders were steadfast against Hammerson's proposal, as reflected in the traders submission to the group in February 2021. That was important since they could have had the deciding votes. If, for example, Brid Smith TD, Jim Connolly Heron, Councillor Donna Cooney, Neasa Hourigan TD and I[17] all opposed the Hammerson plan, then the traders would have had the two deciding votes. Even if the other six members of the group, who had adopted an essentially uncritical position on the Hammerson proposals from day one, supported the Hammerson plan, the group would have still produced seven to six against it. Turning the traders' to support would have been crucial for those who believed in the planning permission.

#### Position of rest of group

I believe that, if we had been aware of these financial deliberations while discussing the details of our report we would have agreed to end the pretence that this was an independent ministerial advisory body. Such behind-the-scenes shenanigans would have confirmed what some had been saying from the start of the process was a ready-up to support whatever Hammerson came up with.

For that reason alone, the group should have been aware of the negotiations.

## Compromised position of another on group

Another bizarre issue emerged towards the end of the group's existence which indicates the vested interests of those at the table that were unstated at the start of the process. In April 2021 it emerged that one of the members of the group had been granted a lease on No 16 Moore Street by the developer, Chartered Land, when it owned the whole site [18]. The state has since asserted that the agreement for a lease/occupational lease was not legally binding as the state now owns the building, since the person had not taken up the option of possession in good time [19]. This was contested by the person who circulated a copy of the lease to the group while we were deliberating our final report, but it somehow didn't seem as if he was being offered 'compensation' in the same way that the traders were – for being discommoded – or for the option of a lease being denied by the state. Maybe this group member's support for Hammerson plan was assured already, as he had been vocal in support of it from day one, or maybe the traders' compensation was a more emotive issue for the group that was trying to do its best by the city – Moore St market resonates for all Dubliners not just those who trade there and not just for its commercial value – and their support maybe less transactional, so many of us would, all things being equal, have cherished their support.

That anyone with a declared or potential financial interest was allowed to vote on the content of the group's report was wrong, whether it was the traders or the potential leaseholder of No. 16.

## Position of Dublin City Council

A planning authority like Dublin City Council is required to develop a separation between those who are involved in submitting planning applications and themselves. They should try their best to stay out of taking a side or promoting a project that they are due to consider. The fact Dublin City Council was willing to make a large financial intervention in support of this application as has been shown from the offer to the traders (without the knowledge of the Council members) further confirms the partiality of the Council on this matter. The pre-planning process should be to guide applicants, not to endorse an application in advance of that application being subjected to an allegedly impartial process.

Whether a Council should be the one compensating or contributing to a compensation package for a business or businesses being discommoded or unable to trade due to a private development is also questionable. It sets a precedent for future developments – that Dublin City Council considers itself liable to compensate other businesses within Moore Street that will be undoubtedly affected by the Hammerson development and other potential developments; and indeed businesses affected by developments all over the city. This is an important legal point.

## Situation of other disrupted Moore St businesses

It speaks volumes about the purpose of this 'compensation package' that the other businesses on the street which had no representative on the group, with just as strong a commercial claim, were not involved in any talks and have had no offer made to them, at least until now. A precedent has been established.

#### Taoiseach's intervention

Compounding the peculiarity of the planning saga around Moore Street is Taoiseach Mícheál Martin's intervention while a ministerial advisory group was meeting. According to the Taoiseach, he met Hammerson in the spring of 2021 to review their planning application [20]. To my knowledge, Mícheál Martin is the only sitting Taoiseach to give such a strong endorsement to a property developer's planning application, to such an extent that he provided quotes for Hammerson's own press release [21]. I believe that Mícheál Martin was wrong to meet Hammerson while the Moore Street Advisory Group was meeting, wrong not to inform the group that he would intervene and also damningly wrong to endorse the plans which would destroy our heritage in the Moore Street area.

His role as cheerleader for Hammerson's proposal is at odds with that of his Minister for Housing, Local Government and Heritage Darragh Ó Brien, whose brief it is and who in opposition was a strong supporter of saving Moore Street against destructive developments and who even proposed a bill in the Seanad in 2015 to turn Moore Street into a Culture Quarter.[22].

#### My solution to neglect of Moore Street

Moore Street has been neglected for years by Dublin City Council, the Department of Heritage and developers including Hammerson and Chartered Land. They have allowed a bad usage policy to overwhelm this area, by allowing an incredible 21 phone shops into the street [23] and by failing, despite repeated calls from people like myself, to open 14-17 Moore Street as a Museum and to revitalise the market. Not allowing the market traders to expand the range of goods they sell, 14 of the 17 stall-holders are frustrated by being restricted to selling only workaday fruit and veg [24], which has resulted in the market declining. Perhaps the restriction has been part of an agenda to force people into supporting a redevelopment of the area.

#### Culture Quarter focused on North Inner City

My 1916 Culture Quarter 2016 Bill would have allowed for all of these issues to be fixed. It would create an area to celebrate Culture, not just history and the Rising, but Dublin's North Inner City's generally. Only a minute's walk from O'Connell Street, the development of a Cultural Quarter in this location would link into the proposed development plans for the markets area up to Smithfield, and of Parnell Square and O'Connell Street. It can be the catalyst for establishing a new vibrant part of Dublin, allowing for the expansion of the city centre's overall visitor appeal. As well as allowing for the buildings to have usages like a GAA shop, Irish music shop, cafés, museums, a genealogy centre, art studios as well as a wide range of other shops.

#### International and Local Food Market

It would allow for the market to become a permanent food market, with food trucks, cheese stalls and food from around the world but especially local produce. This is the type of location we need to complement Temple Bar, which has been overdone. We also have enough malls and office space; my bill if passed without any unwarranted influences would revitalise Moore Street and serve balanced and sustainable redevelopment of the whole wider area [25].

#### The Law

If payments of public monies offered are proved to have been linked to a vote, it could be against the law under Section 7 and 8 of the Criminal Justice (Corruption Offences) Act 2018 which states:

"Corruption in relation to office, employment, position or business:

Section 7. (1) states: "An Irish official who, either directly or indirectly, by himself or herself or with another person, does an act in relation to his or her office, employment, position or business for the purpose of corruptly obtaining a gift, consideration or advantage for himself or herself or for any other person, shall be guilty of an offence".

Section 2. (1) of the Act states that—

"Irish official means...

(j) an officer, director, employee or member of an Irish public body (including a member of a local authority) or...

(l) any other person employed by or acting for or on behalf of the public administration of the State;

"corruptly" includes acting with an improper purpose personally or by influencing another person, whether—

(a) by means of making a false or misleading statement,

(b) by means of withholding, concealing, altering or destroying a document or other information, or

(c) by other means".

So, applying the facts to the law:

An Irish employee of a local authority or any other person acting on behalf of the public administration of the state who, does an act in relation to his or her employment, position or business for the purpose of corruptly [by any, i.e. other, means] obtaining consideration or advantage for himself or herself or for any other person, shall be guilty of an offence.

In this case it is clear that buying a vote, being the essence of acting with an improper purpose, is corrupt.

Any person offering payment for a vote would also be guilty of an offence under Section 8 of the Criminal Justice (Corruption Offences) Act 2018 which states:

“A person who gives a gift, consideration or advantage to another person where the first mentioned person knows, or ought reasonably to know, that the gift, consideration or advantage, or a part of it, will be used to facilitate the commission of an offence [payment for votes] under this Act shall be guilty of an offence” [26].

## Summary

It is alleged that a compensation package aimed to influence traders to vote in particular ways on the ministerial Moore Street Advisory Group, in particular regarding support for the Hammerson scheme and for a bill which I had drafted for the Moore St area.

It may also have demanded revocation by traders of their early support for other Moore Street initiatives and been conditioned on their not making observations/objections on the planning applications for the area.

Essentially, what is clear to me is that while the Moore Street Advisory Group was set up to advise the Minister, it was undermined in its work by being kept in the dark by secret meetings between the Taoiseach and the developer Hammerson, by the failure to disclose that a participant in the group held a lease agreement on a key property under discussion, and by secret machinations with traders' representatives on a 'compensation' package for them.

If forces were conniving to produce a particular result in the Moore Street Advisory Group report, it surely demands answers as to under whose authority it was being done.



I know that the vast majority of the Moore Street Advisory Group were not aware of the negotiation of payments (whether authorised or illegal) to influence the outcome of the group's report.

What makes me most angry is that public funding was going to be used in this subterfuge. Thankfully it seems that the street traders saw sense and refused in the end to go along with the scheming and resigned from the group. Though they didn't vote against the final report, they also did not vote for it.

We, however, weren't aware as to the reason they walked away. Other discussions on the report were concluded without the traders – to the benefit of Hammerson – rather than being suspended or abandoned as should have happened if the improper negotiations had been disclosed to us and appropriate measures taken to avoid a knock-on advantage to Hammerson.

Our political decisions should not be for sale. Politics is about what's best for the people and not what's best for the developers. The moment you start to pay more attention to the interests of the rich elite, than you do to the ordinary people is the moment you have been exposed as a political failure.

We as politicians, need to take the allegations I have been made aware of very seriously. I have written to Minister Malcolm Noonan seeking a full and comprehensive Garda investigation into these matters. I will also directly be requesting the Garda to investigate if any members of the group were offered improper financial incentives for votes. And I will be requesting that consideration of the planning permissions as granted by Dublin City Council are suspended, at An Bord Pleanála level, pending resolution of these investigations and, if there are conclusions of wrongdoing, that the applications remain suspended and ultimately be deemed null and void.

[1] <https://costarfinance.wordpress.com/2015/10/12/difficulties-ahead-for-execution-of-project-jewel-loan-to-own-strategy/> (explains size of portfolio)

[2] <https://www.independent.ie/business/commercial-property/hammerson-chief-eyes-long-term-investment-horizon-as-he-steers-steady-course-35502619.html> (explains sold in 2016)

[4] <https://www.independent.ie/business/commercial-property/hammerson-ceo-upbeat-on-dublin-jewels-34869766.html> (explains year buy back clause with Chartered Land)

[5] NAMA letter to Brid smith stating role, with inaccurate reference to sale occurring in 2015, chartered land blocked in in 2015 as exemplified in point 4)

[6] <https://www.irishtimes.com/business/commercial-property/dundrum-town-centre-valued-at-1-5bn-as-owners-refinance-1.3206121>

[7] <https://europe-re.com/hammerson-appoints-connor-owens-as-director-of-ireland/68421>

[8] <https://ie.vlex.com/vid/moore-v-minister-for-793371877>

[9] <https://www.rte.ie/news/2016/0614/795561-moore-street-1916/> (minister submits request to appeal and introduces the ministers forum in same press statement.

[10] <https://www.sinnfein.ie/contents/60743> (my statement surrounding the production of an inaccurate report)

[11] Recorded meeting with reporter, two traders and another person where an individual. Individuals at this meeting confirmed the accusation were made at this recorded meeting.

[12] <https://data.oireachtas.ie/ie/oireachtas/bill/2021/36/eng/memo/b3621d-memo.pdf> (my bill)

[13] <https://www.oireachtas.ie/en/debates/debate/dail/2021-03-24/2/> (bill transcript)

[14] Copy of Owen Keagan letter confirming 2nd offer

[15] <https://www.thetimes.co.uk/article/we-dont-want-2m-each-say-moore-street-traders-just-enough-for-us-to-live-on-3vt0rm0bl>

[16] Frank Connolly [article](#) in Village Magazine, February 2022 edition

[17] Submissions on the Moore Steet Ministers advisory group confirm this

[18] Copy of lease of no.16 from this individual also note the date it was sent

[19] Copy of PQ response in relation to lease

[20] A copy of the Taoiseach is Diary

[21] <https://www.hammerson.com/news-insights/press-releases/hammerson-submits-plans-regeneration-landmark-dublin-site>

[22] <https://www.oireachtas.ie/ga/debates/debate/seanad/2015-06-10/9/>

[23] A personal head count

[24] A personal head count

[25] <https://data.oireachtas.ie/ie/oireachtas/bill/2021/36/eng/memo/b3621d-memo.pdf> (my bill)

[26] section 8 of the Criminal Justice (Corruption Offences) Act 2018

Granting this planning application is Contrary to express wishes of the City Council elected officials, namely but not exclusive within the below motion passed on the 12<sup>th</sup> of April 2021:

Emergency Motion:

“That this council supports a proposal to initiate a variation of the Dublin City Council development plan to include the historical Moore Street Area which includes the National Monument as an architectural conservation area”

Signed

Councillor Donna Cooney Chair Lord Mayor’s Forum on Moore Street

Lord Mayor Councillor Hazel Chu

Councillor Mícheál Mac Donncha.

Councillor Damian O’Farrell

Councillor Noeleen Reilly

Councillor Daithí Doolan

Councillor Mannix Flynn

Councillor Christy Burke

Councillor Pat Dunne

Councillor Seamas McGrattan

Councillor John Lyons

Councillor Patricia Roe

Councillor Máire Devine

Councillor Dearbhail Butler

Councillor Tina MacVeigh

Councillor Joe Costello

Councillor Janice Boylan

Councillor Eimer McCormack

Councillor Anthony Connaghan

Councillor Caroline Conroy

Councillor Alison Gilliland

Councillor Carolyn Moore

Councillor Darcy Lonergan

Councillor Janet Horner

Councillor Mary Freehill

Councillor Deirdre Heney

Councillor Tara Deacy

Councillor Deirdre Conroy

Councillor Declan Meenagh

Councillor Michael Pidgeon

Councillor Claire Byrne

.....

Councillors are supposed to develop and create Dublin City Council policies, DCC officials are supposed to action these policies. In the case of ACA and protected structures DCC councillors voted for them to become a reality, unfortunately the employees or DCC officials have been slacked in delivering them. DCC was supposed to make a majority of the Moore Street terrace protected structures following a 2015 motion, 7 years later that process is weeks away from being completed. It is also a myth that only 18/19 are being knocked in Hammerson is wider project, on the terrace only 3 buildings (no.10, 20/21) that they own are going to be partially saved, as part of this application they all are to be knocked, including buildings that warrant protected structure status.

A process that should have happened years before, if the officials worked to a sufficient standard. That said as the legal process began to for any planning authority, DCC or An Bord Pleana to grant permission to knock this site, is unlawful in the eyes of the Courts and hopefully An Bord Pleana will agree.

In relation to the sunlight analysis or lack of from Hammerson, considering they did not answer any questions raised of them within their analysis, I question how DCC could grant permission after raising concerns.

Please see attached a copy of the James Kelly draft report in which Dublin City Council hired him to carry to figure out which buildings are pre 1916 or not, in but Hammerson threaten legal action and blocked such a study. What does Hammerson to hide to block such a study.

Is mise le meas

Aengus Ó Snodaigh TD

Teach Laighean

Sráid Chill Dara,

Baile Átha Cliath 2