

File With _____

SECTION 131 FORM

Appeal NO: ABP 3 13947Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission (dated) received 19/7/22
fromRay Bateson 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 material
issues raisedE.O.: Aisling KellyDate: 16/08/2021

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: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

SUBMISSION

Rear Corduff Cottages,
The Rise,
Main Street,
Blanchardstown,
Dublin D15, NA4T
[REDACTED]

AN BORD PLEANÁLA	
LDG-	055448-22
ABP-	
19 JUL 2022 o.k.	
Fee: €	50
Type:	Card
Time:	10.35
By:	Hand

e-mail: [REDACTED]

18th July 2022

Re: PROTECTED STRUCTURE: for a period of 15 years at a site. The proposed development comprises: - A mixed-use scheme in a single building ranging in height from 2 - 6 storeys (top floor set back) over single storey localised basement. Provision of part of a new public plaza and associated temporary works pending completion of the combined plaza with the concurrent planning application for the adjoining Site 4 immediately to the south. An Environmental Impact Assessment Report (EIAR) accompanies this application.

An Bord Pleanála Case Number: PL29N.313947

Planning Authority Reference Number: 2863/21

Dear Sir,

I am concerned at the issues raised in Stephen Troy's appeal in regard to conflict of interest and possible shady dealings.

These are not the first or only allegations in regard to the acquisition, planning and development of the site. It follows on the broadcast of Iniúchadh — Oidhreacht na Cásca, on TG4 in October 2012 which raised serious questions of the role of Dublin City Council in facilitating developers. An article in the Irish Examiner 1 April 2013, one of many, summarises the issues:

Review into controversial Easter Rising site completed

A review has been completed into the future of a prized Nama-backed development site in Dublin which the families of the rebels of the 1916 Rising are fighting to have protected.

MON, 01 APR, 2013 - 01:00

CONOR RYAN

Dublin City Council ordered the review after details of a controversial deal emerged in which it used its authority to buy the strategic site on O'Connell Street.

Parallel to this deal, it had struck a secret resale contract with a private development company, Chartered Lands.

This gave the company claim to the land as soon as the compulsory purchase order was finalised.

The contract allowed Chartered Lands to pursue plans for a large tract of land at the back of the GPO, encompassing buildings in which plans for the Easter Rising were hatched.

Last October, council members clashed with its own officials regarding the local authority's role in the deal.

This focused on the CPO, pursued to prise ownership of the demolished Carlton cinema site on O'Connell St from landowner Paul Clinton.

Under CPO rules, Mr Clinton was ordered to sell his stake at an undeveloped valuation.

This was challenged all the way to the Supreme Court.

The council was severely criticised for setting up a contract without the consent of elected councillors.

The full extent of the council's plan emerged in a television documentary, *Iniúchadh — Oidhreacht na Cásca*, broadcast on TG4 in October.

In it, members of Dublin City Council said they felt threatened to support the council when legal issues emerged about the deal.

A review of the planning status of the site, headed by councillor Nial Ring, was ordered in the aftermath of the documentary.

The council confirmed the review has been finalised and will be presented to its members at a meeting on April 8.

The handling of the overall site has implications for the campaign to preserve an historic site on Moore St, which was used during the Easter Rising of 1916.

It is also key to Chartered Land's ambitions to develop a large tract of land behind the GPO.

Chartered Land founder Joe O'Reilly, who developed Dundrum Town Shopping Centre, is now one of the biggest borrowers in Nama. But Nama has agreed to fund the preparation of plans to pursue the redevelopment of the site.

<https://www.irishexaminer.com/news/arid-20226999.html>

In addition, I believe that the Ministers Forum, after its initial report in 2016 which recommended the retention of the terrace, historic buildings and laneways associated with the Rising, was manipulated by statutory agents in order to ensure sufficient support for Hammerson's plan.

On 6th May 2022, the Village magazine published an article by Aengus Ó Snodaigh entitled "Malign manoeuvrings on Moore Street" which casts further doubt on the integrity of the development.

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001.

The issues raised above run contrary to the Aarhus Convention. The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:

the right of everyone to receive environmental information that is held by public authorities ("access to environmental information"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their possession;

the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making");

the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice"). <https://ec.europa.eu/environment/aarhus/>

There are clearly many aspects of this proposed development that impinge on environmental issues, from noise, pollution, access, traffic management, human health, timeframe and information which have been highlighted in the appeals both to the City Council and now to An Bord Pleanála. The issues raised above, suggest that the Dublin City Council, far from contributing to the rights of the citizen, has obstructed and diminished them. It undermines the planning process and invalidates its decisions.

This is an entirely unsatisfactory state of affairs. It is not the role of An Bord Pleanála to carry out investigations into such matters but I would urge An Bord Pleanála to make any judgement on this development subject to an independent or Garda inquiry into whether individuals or organisations, statutory or otherwise, broke the law in regard to the whole development and planning process.

Yours sincerely,



Ray Bateson