

SECTION 131 FORM

Appeal NO: ABP 313947-22

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/received 11/8/22
fromSean Crowe 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: 12/08/2022

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: _____



Dáil
Éireann

Dáil Éireann
Leinster House
Kildare Street
Dublin 2

Dáil Éireann
Teach Laighean
Sráid Chill Dara
Baile Átha Cliath 2

The Secretary,
An Bord Pleanála.
64 Marlborough Street,
Dublin 1

_11 August 2022

AN BORD PLEANÁLA
LD: 056153-22
ABP-
11 AUG 2022 SF
Fee: € 50 Type: CARD
Time: 15:00 By: HAND

Re. Dublin City Council, Grant of Permission Reg. Ref. 2863/21
22-25 Moore Street and Moore Lane/O'Rahilly Parade

A chara,

I would like to make an observation on the valid appeal submitted to An Bord Pleanála (ABP) concerning the above referenced planning application which was granted planning permission by Dublin City Council on 23rd June 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 same.

Is mise le meas,

Name here:

SEAN CROWLEY (sign above)

Full address here:

16 PARTHEIN NA FAICLÉ
TAMHLACHT
BAILÉ ÁR CHAIR 24

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 - Site 5' (c. 0.18 Ha) at No. 22 - 25 Moore Street, No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane), Dublin 1 and otherwise generally bounded by O'Rahilly Parade to the north, by Moore Lane to the east, by No. 21 Moore Street and No. 12 Moore Lane to the south and by Moore Street to the west.

I support the Appeal submitted by the Moore Street Preservation Trust on 19th July 2022 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.

Moore Street and the 'Moore Street Battles' are well documented and are recognised as a series of events which formed the platform for the foundation of the Irish Republic. The lands and buildings, fronted by Moore Street and bounded by Henry Place, Moore Lane, and O'Rahilly Parade are sometimes referred to as "the island." This forms the core of the historic Moore Street Quarter.

Most importantly 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.

This area of Dublin city with its historical connections to the 1916 Rising should be developed as an Historical and Cultural square.

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 a small part of a large site which has been divided into six separate planning applications, of which three have been submitted to Dublin City Council while three further applications are signaled for submissions at a 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 submission made.

The sites covered by this application (2863/21) and the two accompanying applications (2861/21 and 2862/21) are part of a single 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.'

This site adjoins the O'Connell Street Architectural Conservation Area (ACA) within which a large section of the applicants overall site is located. The ACA statement, applicable to most of the applicant's sites, states 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. 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 adjoining planning applications is contrary to the above ACA statement and I support the appeals asking the Board to prevent such demolition by refusing planning permission for the proposal.

Conservation Appraisal

The loss of this historic fabric of Moore Street is significant, as is the demolition of the existing Moore Street terrace of buildings.

Looking at the Moore Street streetscape overall, the Dublin City Council's Conservation Officer had serious reservations concerning the proposed demolition works when she stated "from a conservation standpoint, the proposal to demolish the existing buildings at 41 Henry Street and from 1-7 Moore Street - an entire terrace of early 20th century buildings - is regrettable." The statement was ignored by the Council's Planning Officer when wholesale demolition was permitted.

This application cannot be considered as either appropriate or desirable for this sensitive heritage-rich site.

The proposed development is of serious adverse impact upon the on-site and local Historic and Heritage Fabric. I suggest that An Bord Pleanála refuse permission for the proposed development on the grounds cited above.

Archaeology

This site (Site 5) is partially within the Zone of Archaeological Potential for the Recorded Monument DU018-020 (Historic City), which is listed on the Record of Monuments and Places which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. The site in question is located within the Zone of Archaeological Interest in the Dublin City Development 2016-22. Further, the site in question is located within the Zone of Archaeological Interest in the Dublin City Development 2016-22. This is a zone of high archaeological potential relating to the development of the city since the earliest of times.

The City Council Archaeological Consultant reports show that despite the intensive development of the local area during the 18th to 20th centuries in this part of the city, the development has potential to encounter archaeological sites, soils or features of early medieval or later date.

It is important to note that the impact of the foundations cannot be fully determined before the site is tested more extensively and the foundation design is finalised. This could have a serious impact on buildings, including the National Monument buildings, in the locality.

I ask that ABP prioritises the archaeological investigation of this important site and this must take place and be completed before any development. The precedent of the Wood Quay project a number of years ago still hangs over Dublin City Council and a second similar disaster should not be permitted in the city.

The National Monument and Protected Structures on Moore Street

The applicant's overall development proposal adjoins the national monument and protected structures at Nos. 14-17 Moore Street.

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. The motion read: "That this City Council, in relation to the Hammerson application for the development of the Dublin Central site that includes the demolition of 1916 buildings, structures and fabric on Moore Street, calls for the completion of the stalled process to add five buildings on the site to the Record of Protected Structures (RPS) as agreed by this council; we further call for the terrace 10-25 Moore Street to be added to the record of protected structures as a matter of urgency so that a full assessment of all 1916 buildings, carried out by suitably qualified independent experts, can be made available."

As can be seen the Motion above includes reference to 22-25 Moore Street, which is part of this planning application being appealed. The process of adding the said structures to the Record of Protected Structures was ongoing and incomplete when Dublin City Council made its decision to grant planning permission for this application. The decision was made with insufficient information. I ask An Bord Pleanála await the completion of the RPS process before deciding on this appeal.

The Planning Process

Dublin City Council sought a three-dimensional scaled model as part of its request for Additional Information. This was provided by the applicant yet there was no public notification of its display in Civic Offices, Wood Quay in subsequent planning site notices and newspaper advertisements. The citizens of Dublin were unaware of the model's 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. Even in terms of this grant of permission, the public were not made

aware of the decision until some six days after the statutory date of 23rd June. This left members of the public with just three weeks to submit an appeal.

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 response to these conditions, some of which require detail and specificity. The Council has ensured that a private process of negotiation now takes place between the Council and the applicant, with no public say on the final design.

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.

On the basis of the flawed planning process, as described above, it is my observation that the grant of permission should be overturned and the appeals submitted upheld.

The demolition of Moore Street and the proposed scale of development

There is little doubt that the most contentious part of the overall Hammerson/Dublin Central scheme for many is the proposed demolition of the Moore Street streetscape, close to the National Monument. It is proposed to wipe out the historic Moore Street terrace and the demolition of Nos. 22-25 Moore Street are proposed in that demolition work. The nearby buildings at No. 1-7 on Moore Street and Nos 38 & 41 Henry Street will also be demolished by the applicant, ignoring the Council's own Conservation expert's comments. This is totally inappropriate for an Historical and Conservation Area and should not be permitted.

I am opposed to the scale of the proposed development on this site and indeed, on the adjoining sites, the subject of ongoing appeals. The scale of the development, including a six storey building as part of this planning application and a nine storey building on a nearby site is inappropriate for this historical quarter.

It should be noted that the Department of Housing, Local Government and Heritage made a submission during the planning process objecting to the demolition of the nearby 38 Henry Street by the same applicant and wrote that the Department "believed that the demolition of all or part of these two terraces of twentieth century building is unwarranted".

I ask An Bord Pleanála to refuse planning permission for this scale of development and I support the appeals seeking such a refusal.

The 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 and those long familiar with the street and its traders 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 years is obvious and would spell the end of the street as we know it.

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 liaison 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 support the appeals urging the Board to uphold the appeals against grant of permission.

An alternative approach

An alternative scheme for the site has been designed and exhibited by the Moore Street Preservation Trust and I fully endorse that scheme.

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.

I ask ABP to refuse planning permission for this development.