

---

**Addition of the ground floor façades to Henry Place and Moore Lane of 17/18 Henry Place (former Bottling Stores), Dublin 1, to the Record of Protected Structures in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).**

---

**Photographs of Structure**



**Procedure Followed**

In accordance with the procedures set out in Section 54 and 55 of the Planning and Development Act, 2000 (as amended), Dublin City Council indicated its intention to add the 19<sup>th</sup> century ground floor façades to Henry Place and Moore Lane of the former Bottling Stores, 17/18 Henry Place, Dublin 1, to the Record of Protected Structures (RPS), as follows:

- A report on the proposed addition of the structure was brought to the Central Area Committee on 12<sup>th</sup> April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.
- The proposed addition was advertised in the Irish Independent on Thursday, 7<sup>th</sup> July 2022 and on the Dublin City Council website. The public display period was from Thursday 7<sup>th</sup> July to Friday 19<sup>th</sup> August 2022 inclusive.

**Request and Reason for Addition**

- The Elected Members of Dublin City Council at the monthly council meeting held on 8<sup>th</sup> June 2015, passed a motion put forward by Councillor John Lyons (Motion 44): *“That the following 1916 Buildings, identified in the Franc Myles Battlefield Report, commissioned by Shaffrey Associates on behalf of Chartered Land, be added to the list of protected structures as buildings of National historical importance. 1. O'Briens Mineral Water Building, Henry Place - Occupied by volunteers. 2. The White House, Henry Place - Occupied and held by Michael Collins. 3. No.10 Moore Street - Point of entry -The First Council of War - Overnight stay. 4. The Bottling Stores rear 10 Moore Street and Moore Lane - Occupied by Frank Henderson. 5. Hanlons, 20/21 Moore*

*Street - Surrender order accepted by volunteers after consultation with Thomas Clarke, Joseph Plunkett, Michael Collins and Sean Mac Diarmada”.*

**Location and Land Use Zoning**

The subject structure is located in an area zoned Z5, the objective of which is “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.



Fig. 1: Site Location and Land Use Zoning

**Architectural Conservation Area**

17/18 Henry Place is not within an Architectural Conservation Area, but lies adjacent to the designated O’Connell Street ACA (2001); shown in diagonal green coloured cross hatch on Figure 1, above.

**Relevant Planning History**

Planning Ref.	Description	Decision Date
1355/98	The project includes two floors of car-parking below basement level (capacity 720 cars); four floors of mixed Retail and Leisure uses (approx. 40,000 sq.m. gross floor area) and comprising of Department Stores, retail units, restaurants, bars, family entertainment centre and tourist information. Also, on the upper level there are 15 multi-purpose auditoriums for cinema, conference and theatre uses. There is also a 61 bedroom hotel with associated function rooms at 46/49 Upper O’Connell Street which is presently occupied by Fingal County Council. The proposal involves building under, on and over part of Moore Lane. The listed facades of Nos. 57, 58 and Nos.52/54 Upper O’Connell Street are being retained as part of the development.	Grant Permission: 23/10/1998
2479/08	<i>Description has been abbreviated</i> 7 year permission for development at an overall site of c 2.17 hectares, at nos 40-41, 42 (a protected structure), 43 (a protected structure), 44 (a protected structure), 45-51, 52-54 (protected structures), 55-56, 57 (a protected structure), 58 (a protected structure), 59, 60 (a protected	Grant Permission on appeal per PL29N.232347: 24/03/2010

Planning Ref.	Description	Decision Date
	<p>structure) and 61 (a protected structure) and 60a (otherwise 5 Henry Place) O'Connell Street Upper, Nos 37-41a Henry Street, nos 1-13, 14-17 (protected structures and a national monument) and 18-25 Moore Street, nos 71 and 71a Parnell Street, nos 1-8 O'Rahilly Parade, nos 1-15 Moore Lane, Nos 4-13 (including 3 Moore Lane) and 15-18 Henry Place, nos 6-8 at the junction of Henry Place and Moore Lane and including Clarkes Court off Moore Street, Moore Place off Henry Place, Murphys Court off Moore Lane, part of Moore Lane from the junction of Henry Place and Moore Lane to the junction of Moore Lane and O'Rahilly Parade and part of Henry Place from the junction of Moore Street and Henry Place to the rear of no. 61 O'Connell Street Upper (a protected structure), Dublin 1. The site consists of the majority of a city block bounded by Parnell Street, Moore Lane, O'Rahilly Parade, Moore Street, Henry Street, Henry Place and O'Connell Street Upper, but for the avoidance of doubt excludes nos 70 &amp; 72-75 Parnell St, Nos 37-39 &amp; 62-69 O'Connell St Upper, Nos 31-36 Henry St &amp; Nos 1-3 Henry Place, Dublin 1. Note: permission granted for demolition of 17-18 Henry Place under Reg. Ref: 2479/08.</p>	
2479/08X1	As above – Extension of Duration of Planning Permission granted per PL29N.232347.	Extension of Duration granted: 21/07/2016
3927/09	For a change of use planning permission to existing structures with retail/commercial uses. The proposed planning permission will convert the existing structure to a restaurant/cafe. The development will consist of the refurbishment of no: 10, 11 & 12 Moore Street, Dublin 1 into three separate restaurants and part retail stores in No. 10. The gross floor area shall be 359 sqm which will accommodate a cafe/restaurant area with kitchen and storage.	Grant Permission: 05/01/2010
2862/21	PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central - Site 4', (c. 0.3 Ha) at Nos. 10 - 13 and Nos. 18 - 21 Moore Street, No. 5A Moore Lane (also known as Nos. 15 - 16 Henry Place), Nos. 6 - 7 and Nos. 10 - 12 Moore Lane and Nos. 17 - 18 Henry Place (also known as Nos. 4 - 5 Moore Lane), Dublin 1. Also, the site includes the rear of Nos. 50 - 51 and Nos. 52 - 54 Upper O'Connell 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 No. 22 Moore Street and No. 13 Moore Lane to the north, Moore Lane to the east, Moore Street to the west and Henry Place to the south. Nos. 14 - 17 Moore Street (National Monument / Protected Structures) is bounded north and south by the proposed development. The	Decision to Grant Permission 12/01/2022; now on appeal to An Bord Pleanála

Planning Ref.	Description	Decision Date
	<p>proposed development comprises a mixed-use scheme (c. 3,290 sq. m gross floor area) in 2no. parts located north and south of the Nos. 14 - 17 Moore Street (a National Monument / Protected Structures) ranging in height from 1 - 3 storeys including retained independent single storey basements comprising 15no. apartment units (c. 1,454 sq. m gfa), café / restaurant use (c. 864 sq. m gfa), retail use (c. 617 sq. m gfa), cultural use (c. 60 sq. m gfa) and office use (c. 295 sq. m gfa). The proposed development to the north of Nos. 14 - 17 Moore Street consists of: - Nos. 20 - 21 Moore Street are refurbished and adapted to provide 1no. café / restaurant / licenced premises with takeaway / collection facility (c. 80 sq. m in total) at ground floor addressing both Moore Street and proposed new public plaza to the rear and 1no. 1-bed apartment and 1no. 2 bed apartment located at 1st and 2nd floor level - 4no. in total (cycle and bin storage at ground floor level). No terraces or balconies are proposed to the residential units; Provision of a new 2 storey extension at the side of No. 17 Moore Street (National Monument / Protected Structure) to act as an extension for ancillary use to the National Monument - a cultural facility (c. 60 sq. m gfa); Provision of an archway between the gable of No. 20 Moore Street and the new 2 storey extension to No. 17 Moore Street (National Monument / Protected Structure) to form an entrance to a new public plaza off Moore Street; Provision of a 2 storey building with profiled roof consisting 1no. licenced restaurant / café unit with takeaway / collection facility (c. 250 sq. m gfa) etc.</p> <p>Note: The proposed development includes the retention of the ground floor façade of Nos. 17 - 18 Henry Place (also known as Nos. 4 - 5 Moore Lane), with internal and external modifications, as per the decision of the City Council to grant permission. The decision is on appeal to An Bord Pleanála.</p>	

### Recent Enforcement History

None.

### Description

This description is based on an internal and external inspection by the Conservation Section on the 5<sup>th</sup> August 2021, consideration of available research and documentation, together with the architectural heritage documents submitted as part of planning application Reg. Ref: 2862/21.

#### *Exterior:*

17/18 Henry Place is an attached corner-sited single-storey warehouse building built c. 1905 having three-bay elevation to Henry Place and four-bay elevation to Moore Lane (Figs. 3 & 4). Formerly with upper floor, which survives to first floor cill level. Replacement flat roof of corrugated-iron. Painted brick walls, laid in English garden wall bond with projecting brick plinth course and moulded brick string course to first floor cill level to elevation to Henry Place. Exposed yellow brick to upper section of wall to Moore Lane (Fig. 5). Infilled segmental-

headed window openings with painted masonry sills and painted brick voussoirs to ground floor, granite cills surviving to remaining section of first floor wall. Infilled segmental-headed door opening with painted brick voussoirs to Moore Lane. Segmental-headed carriage-arch to Henry Place having painted brick voussoirs and moulded keystone, now enlarged with inserted square-headed opening having roller shutter and steel lintel. Similar in architectural design to No. 11-13 Henry Place opposite.

*Interior:*

Walls constructed of yellow, brown and red brick, laid in English garden wall bond with remnants of lime plaster (Figs. 5 & 6). Exposed timber rafters and transverse iron I-beams supporting modern flat roof. Concrete floor. Blocked openings to east and south elevations. Blocked two-over-two timber sash windows to north elevation. Extension to rear of No. 11 Moore Street extends in north-west corner of interior.

**Historical Background:**

In the mid-nineteenth century the buildings now forming 17/18 Henry Place comprised a pair of residential properties, then named No. 16 and 17 Off Lane, with a further two structures occupying the northern portion of the site, No. 4 and 5 Moore Lane (Fig. 7). To the north was a narrow lane providing access to the rear plots of these structures and properties at No. 10 and 11 Moore Street. These lanes and courtyards characterised the area up to the late nineteenth and early twentieth centuries, but many have since been built over.

The Ordnance Survey map of 1891 indicates the rear site of No. 11 Moore Street was developed to encompass the majority of the small lane that ran along the north end of the site (Fig. 8). Goad's Insurance Plan of 1893 indicates a pair of four-storey buildings at 17-18 Henry Place which were interconnected internally (Fig. 9). The condition of these buildings on the site declined in the late nineteenth century leading to their replacement. The new building which encompassed the plots of both 17 and 18 Henry Place and also those of 4 and 5 Moore Lane, was constructed as a storehouse for O'Brien & Co. in the early twentieth century. O'Brien's was a mineral water company that maintained a manufacturing plant and bottling factory further to the east at 4-8 Henry Place.

**1916 Historical Association**

Henry Place and Moore Lane are key thoroughfares associated with the 1916 Rising and featured significantly in witness statements from the time and other contemporary documentation. Detachments of Irish Volunteers left the GPO by means of its side entrance on the south side of Henry Street. The first detachment, under the command of the O'Rahilly moved west along Henry Street before turning north into Moore Street. Subsequent groups crossed over to Henry Place, the south end of which lay almost opposite the side entrance of the GPO on Henry Street. They travelled the length of Henry Place to secure 10 Moore Street as an alternative location for the garrison. Specific geographic locations such as the sharp left turn on Henry Place and the structures along it including 17/18 are mentioned frequently in witness statements. The position of 17/18 Henry Place, at the junction with Moore Lane is particularly significant. The Volunteers had to avoid machine-gun and sniper fire from crown forces on the roof of the Rotunda Hospital and from a barricade at the northern end of Moore Lane while crossing this junction. Witness statements such as that of Liam Tannam (WS 242 Liam Tannam) describes the danger '*when we showed up opposite Moore Lane we came under fire....We stooped and ran across...*'.

The witness statement of Captain R. Henderson (WS 1686 R. Henderson) also highlights the danger at this location '*The main body had now retreated from the doomed GPO.....As the front ranks were crossing Moore Lane (which runs at right angles from Henry Place) intense machine-gun fire opened from the roof of the Rotunda Hospital. Crouching they escaped; those behind them came to a halt*'.

Frank Henderson records his occupation of the building in his witness statement *'There was great confusion in Henry Place.....I established my party in a bottling stores at the corner of the lane which runs parallel to O'Connell Street and Moore Street as far as the Rotunda Hospital (WS 249 F. Henderson). Henderson left the bottling stores for No. 10 Moore Street to look for food and hot drinks for his party. While there he collapsed and remained at No. 10 till the following morning. Henderson then 'went out into Henry Place and found that the rear guard party had been withdrawn from the stores' they had occupied the previous night' (WS 249 F. Henderson, p. 56). The O'Brien & Co. Bottling Stores at 17/18 Henry Place, constructed in the early twentieth century, provided the backdrop for these events.*

The impact of the Rising on the Bottling Store is recorded in a claim by Michael Francis O'Brien, proprietor of O'Brien & Co. The company owned a number of properties on Henry Place including their factory, stores, and stables. The company sought damages of nearly £450 and received a payment of just over £400 from the Property Losses (Ireland) Committee indicating the amount of damage done. 17/18 Henry Place is named as the 'New Store' in his claim, reflecting its construction in the early twentieth century. The value of the claim for damage to the building (including repairs to front and rear windows, front door and tiled roof) and contents is over €50.

### **Post 1916**

Goad's Insurance Plan of 1926 names the structure as 'O'Brien's & Co. Empties Store'. The premises was later occupied by Southall (Ireland) Ltd., and then by Goodall's of Ireland Ltd. Goad's Insurance Plan of 1961 records the structure as a two-storey drapery warehouse with cast-iron columns and iron girders over a brick-arched basement (Fig. 10).

Photographs of 17/18 Henry Place taken before the removal of the first floor indicated that the eastern elevation and western party wall to No. 16 were constructed of yellow brick while the front (south) elevation was constructed of red brick, with red brick quoins to the southeast corner

The structure was damaged by fire in the 1980s which destroyed the roof and first floor interior. Later around 2010, the remaining first floor brickwork facades were taken down to cill level by the owner under 'making safe works', as the loose brickwork walls and derelict premises were deemed a potential danger to the general public.

### **References:**

- Ask About Ireland 2021. Griffith's Primary Valuation of Rateable Tenements. Available at [Griffith's Valuation \(askaboutireland.ie\)](http://Griffith's Valuation (askaboutireland.ie)).
- Casey, C. 2005. *The Buildings of Ireland: Dublin*.
- DHLGH, 2011, *Architectural Heritage Protection Guidelines for Planning Authorities*.
- Goad, C. E. 1893. Insurance Plan of the City of Dublin, 1893.
- Goad, C. E. 1961. Insurance Plan of the City of Dublin, revised 1961.
- Military Archives 2021. Witness Statements of Captain R. Henderson (WS 1686), Frank Henderson (WS 249), Liam Tannam (WS 242)
- National Archives 2021. Property Losses (Ireland) Committee – Michael O'Brien. Available at [http://centenaries.nationalarchives.ie/reels/plic/PLIC\\_1\\_3648.pdf](http://centenaries.nationalarchives.ie/reels/plic/PLIC_1_3648.pdf)
- Ordnance Survey 1847. Dublin Sheet 14.
- Ordnance Survey 1891. Dublin OS sheet XVIII.47.
- Library Ireland 2021. Thom's Almanac and Official Directory for the Year 1862.
- Shaffrey Associates Architects & Franc Myles, Archaeology & Built Heritage (06 February 2012). *Application for Ministerial Consent to carry out Works at 14– 17 Moore Street, Dublin 1, a National Monument*. Unpublished Report submitted to Department of Arts, Heritage and Gaeltacht in response to a Request for Additional Information. \*

Note this report includes the Battlefield Archaeological Assessment for Moore Street & Environs by Franc Myles.

### **NIAH Record**

The NIAH uses eight categories of special interest (architectural, historical, archaeological, artistic, cultural, scientific, technical & social) and identifies five categories of rating in seeking to rank buildings. The NIAH rating values are International, National, Regional, Local and Record Only (I, N, R, L, O). Structures which are considered of International, National, and Regional significance are deemed worthy of inclusion on the RPS.

The National Inventory of Architectural Heritage (NIAH) has been carried out for this area. However, 17/18 Henry Place, Dublin 1, was not recorded.

### **Assessment of Special Interest under the Planning and Development Act 2000**

The Conservation Section considers 17/18 Henry Place, Dublin 1, to be of historical, cultural and social interest, as follows:

#### **HISTORICAL**

The association of this building with the well-documented events of 1916, including the evacuation of the GPO and its occupation by a group of Volunteers lead by Frank Henderson, is of historical significance. The Architectural Heritage Protection Guidelines for Planning Authorities (2011) state that the '*...level of importance of the historical connection and its relationship to the existing fabric of the structure should be assessed.*' (2011, p. 25).

The location is associated with a nationally significant event and '*retains its significance regardless of subsequent alteration*' (DOHLGH 2011, p. 25). While the structure has been significantly altered following its damage by fire and later removal of its first floor, the surviving ground floor of the building would have born witness to the events of the Rising and provides a tangible link to that conflict.

#### **CULTURAL**

The structure's link to the 1916 Rising and the references to it in witness statements from the Volunteers involved, has acquired cultural significance in the intervening century. The Architectural Heritage Protection Guidelines for Planning Authorities state that special interest can be assigned to '*...more modest works of the past that have acquired cultural significance with the passing of time*' (2011, 28). The 1916 Rising was a seminal event in Irish history that has understandably taken on cultural importance, including surviving elements of our architectural heritage that played a role in the events of that week.

#### **SOCIAL**

The former bottling store building featured specifically in the retreat of Volunteers from the GPO during the last few days of the 1916 Rising. The Architectural Heritage Protection Guidelines for Planning Authorities state that '*the characteristic of special social interest embraces those qualities for which a structure, a complex or an area has become a focus of ... political, symbolic or other sentiment to any group of people. A community may have an attachment to a place because it is an essential reference point for that community's identity, whether as a meeting place or a place of tradition, ritual or ceremony...*' (2011, 30). The 1916 Easter Rising was a defining moment in Ireland's struggle for independence.

The external, ground floor facades of 17/18 Henry Place, Dublin 1, would be considered of 'Regional' significance, on the basis of the NIAH significance/ratings above.

#### **CONCLUSION**

The Conservation Section considers that 17/18 Henry Place, Dublin 1, merits inclusion on the Record of Protected Structures on the basis of its historical, cultural and social significance.

However, given the loss of historic fabric over the intervening period since the Rising, the Conservation Section concludes that the proposed protection should be limited to the external, ground floor façades of 17/18 Henry Place, fronting onto the laneways at Henry Place and Moore Lane.

### **Meeting of the Area Committee**

A report on the proposed addition of the structure was brought to the Central Area Committee on 12<sup>th</sup> April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.

### **Submissions/Observation Received**

The proposed addition was advertised in the Irish Independent on Thursday, 7<sup>th</sup> July 2022 and on the Dublin City Council website. The public display period was from Thursday 7<sup>th</sup> July to Friday 19<sup>th</sup> August 2022 inclusive. 9 submissions/observations were received in relation to 17/18 Henry Place, Dublin 1.

### **Summary of Submission from Shirley Nako**

- a) Fully support adding this structure to the RPS arising from its excellent, architectural, historical, cultural & social significance due to its association with the 1916 Rising etc.

#### **Response:**

a): Noted.

### **Summary of Submission from Rory O'Callaghan, Moore Street Campaign**

- a) All buildings along Moore Street should be added to the RPS in line with the agreed recommendations of the Advisory Group to the Minister.
- b) All 1916 buildings and their curtilage should be added to the RPS.
- c) All locations directly associated with the evacuation from the GPO should be added to the RPS as locations of historic significance.
- d) Concern voiced regarding allegations to undermine and interfere with the deliberations of The Advisory Group to the Minister to be investigated by the appropriate authorities.

#### **Response:**

**a) & b):** The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 17/18 Henry Place, Dublin 1, to the City Council's RPS has been undertaken in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

Nos. 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

The building at 17/18 Henry Place covers the entire of its site. However, the architectural character and significance of the building is diminished, with the exception of the remaining



19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): 17/18 Henry Place is associated with the evacuation from the GPO in 1916.

d): This is not a matter for consideration under the RPS addition process.

### **Summary of Submission from James Connolly Heron, Relatives of The Signatories to The 1916 Proclamation**

- a) The recommendations for listing are strikingly similar to those highlighted in the Hammerson applications.
- b) No reference to ancillary buildings, yards, basements or cellars nor to survey of same.
- c) The recommendations while welcome do not go far enough, representing cherry-picking, rather than a careful attempt to rebuild/recreate the area under the agreed recommendations of the Advisory Group to the Minister in the Securing History report.
- d) Crucial survey reports not considered by city planners prior to planning consent to Hammerson.
- e) The call for listing the terrace is based on historic grounds as the location of the last refuge of the volunteers and headquarters of the Provisional Government.
- f) The reports confirm existence of 1916 buildings, structures and fabric within the terrace at 10 to 25 Moore Street.
- g) The call by the elected members for listing on historic grounds is not dependent on the contents of the reports. This call for listing 1916 buildings and the terrace in its entirety to the RPS must be heeded once the public consultation process is concluded.
- h) Submissions made re: individual buildings/addresses on Nos. 10 to 24/25 Moore Street; including the properties: 10 Moore Street: pre-1916; 12 Moore Street: party wall to No. 11 is pre-1916; original yard to rear; 12/13 Moore Street: original party wall; 13/14 Moore Street: party wall National Monument; 20/21 Moore Street: original buildings. Also Nos. 18, 19, 22/23 and 24/25 Moore Street and Nos. 14-17 Moore Street as the declared National Monument.
- i) Curtilage does not feature in the reports; protection should be extended to include curtilage.
- j) City Council planners have granted permission for destruction of 'most important site in modern Irish history' (National Museum of Ireland), contrary to call for listing of terrace by elected representative, prior to finalised survey reports, request for redesign of proposed developments by the Department Housing, Local Government & Heritage, the provisions of the Moore Street Area Renewal and Development Bill 2015 and as presented in Seanad Éireann, the Green Party Vision for the Moore Street Area, the support for the listing of the terrace by the 1916 relatives, the Advisory Group to the Minister, the recommendations of the City Council's Moore Street Advisory Committee, the objectives of the Dublin city Development Plan, the Lord Mayor's Forum Report on the Lanes of History and international charters on the protection of history and heritage.
- k) Concern raised regarding allegations of interference in the planning process.

### **Response:**

a): This building at 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

b): 17/18 Henry Place covers the entire of its site; it has no basement or cellars.

The architectural character and significance of the building at 17/18 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneways (Henry Place and Moore Lane). The structure was damaged by fire in the 1980s which destroyed the roof and first floor interior. Later around 2010, the remaining first floor brickwork facades were taken down to cill level by the owner under 'making safe works', as the loose brickwork walls and derelict premises were deemed a potential danger to the general public.

**c):** The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 17/18 Henry Place, Dublin 1, to the City Council's RPS has been undertaken in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

**d):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**e):** Noted. The request for the listing of the entire terrace (10 to 25 Moore Street) relates to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14<sup>th</sup> June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001.

**f):** Noted.

**g):** Apart from during the review of the Development Plan, the proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The request for the listing of the entire terrace (10 to 25 Moore Street) refers to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14<sup>th</sup> June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

**h):** The proposed addition in this instance is the former O'Brien's Mineral Water Building, 17/18 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant. The reference to Nos. 14-17 Moore Street as the declared National Monument is noted.

**i):** The building at 17/18 Henry Place covers the entire of its site. The architectural character and significance of the building at 17/18 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneways (Henry Place and

Moore Lane). The structure was damaged by fire in the 1980s which destroyed the roof and first floor interior. Later around 2010, the remaining first floor brickwork facades were taken down to cill level by the owner under 'making safe works', as the loose brickwork walls and derelict premises were deemed a potential danger to the general public.

**j):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**k):** This is not a matter for consideration under the RPS addition process.

### **Summary of Submission from Michael Mac Donncha, Secretary Moore Street Preservation Trust**

- a) Welcome the proposed addition of each of the six buildings given their importance in relation to the 1916 Rising is documented and acknowledged.
- b) The Architectural Heritage Protection Guidelines (2011) state that "some events or associations may be so important that the place retains its significance regardless of subsequent alteration". It is submitted that the authors of the report have not fully adhered to this important principle. The structure recommended for protection is essentially limited to pre-1916 fabric and the curtilage of buildings is not included. The 'place' as referred to in the Guidelines is the evacuation route from the GPO and the buildings occupied, including 10-25 Moore Street, which retain their significance regardless of alteration and retain their pre-1916 form as a coherent terrace with rear yards opening onto lanes. Therefore, the extent of proposed protection is unduly limited.
- c) Process delayed since 2015 through denial of access.
- d) Assessments carried out in the context of 'live' planning applications.
- e) Extent of protection tailored to suit applications. Extent/curtilage of proposed protected structures to be expanded in line with the Architectural Heritage protection Guidelines for Planning Authorities (2011).

### **Response:**

**a):** Noted.

**b):** The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

*a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

The building at 17/18 Henry Place covers the entire of its site; it has no basement or cellars.

17/18 Henry Place, known as the former Bottling Stores is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 put forward by Councillor John Lyons and passed by the Council's Elected Members at the monthly meeting held on the 8<sup>th</sup> June 2015.

The curtilage of the building is included in the assessment, though in this instance, due to serious damage to the rest of the building, it is recommended that the only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place and Moore Lane be added to the Record of Protected Structures.

c): Noted.

d): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

e): 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015. The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines, 2011.

### **Summary of Submission from Patrick Cooney**

- a) Reference to January 2011 City Council Motion ... calling for extension of national monument to the Moore Street terrace in its entirety. Reference to 2021 City Council Motion to add the 1916 terrace 10 to 25 Moore Street to the RPS due to its historic significance etc. and that under the process the terrace must be surveyed and reports presented to councillors for a final decision.
- b) Reports presented to Area Committee were not available for consideration of the planning applications.
- c) Reports are incomplete, but confirm 1916 buildings throughout the terrace supporting the case for the protection of the terrace as a site of national importance.
- d) The National Monument at 14-17 Moore Street makes the case for preservation of the terrace in which it stands under European charters and guidelines for heritage conservation.
- e) Reference to a schedule of reports including various reports by Shaffrey Associates (also with Frank Myles), Dublin City Council, the Moore Street Advisory Committee and its recommendations, the Lord Mayors Forum Report – The Lanes of History, the MSCG Moore Street Report – Securing History and the Dublin (City) Development Plan. References to information provided in Shaffrey Reports (2005, 2011 and 2012) – re Nos. 10, 20/21 and 24/25 Moore Street, re: 18 Moore Street with 19<sup>th</sup> century façade up to and including first floor.; re: 1916 elements visible from the public realm: O’Brien’s Mineral Water Works Henry Place, The White House Henry Place, 10 Moore Street, 20/21 Moore Street, 24/25 Moore Street.
- f) Reference to ‘Other Reports’ including those already included above along with the High Court Judgement of Justice Max Barrett. Submission that the High Court judgement on the status of Moore Street as a 1916 Battlefield National Monument must stand. Issue of Ministerial Consent and associated requirements arising from the ‘Barrett Judgement’. Reference to Minister’s Bill to Seanad Éireann for the protection of the entire battlefield site.
- g) Concern raised regarding allegations of interference in the planning process.

### **Response:**

a): The proposed addition of a structure to the City Council’s RPS is subject only to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council’s Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS

is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

**b):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**c):** The reports are complete and in accordance with the requirements of the Planning and Development Act, 2000 (as amended); in particular with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the guidance provided by the Architectural Heritage Protection Guidelines (2011) under Section 52 of the Act.

**d):** The context of the proposed protected structures, including that of the National Monument at 14-17 Moore Street (Protected Structures RPS Refs: 5282-5285), informed the assessment of the special historical interest as provided in the various reports, including those on 17/18 Henry Place and the other five buildings, now recommended to the City Council for addition to the RPS.

**e):** The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended), as per the response to item c) above. The report provided a schedule of appropriate references relevant to both the description and assessment, including the Shaffrey and Myles reports.

The proposed addition in this instance is the former Bottling Stores at 17/18 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, it is noted that the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 17/18 Henry Place, Dublin 1, to the City Council's RPS has been undertaken in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

**f):** It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018. The issue of Ministerial Consent is an entirely separate process under National Monuments legislation. The provisions of a Bill to Seanad Éireann are not of material relevance as they have not been passed by the Oireachtas. .

**g):** This is not a matter for consideration under the RPS addition process.

**Summary of Submission from Councillor Janice Boylan, Sinn Fein**

- a) Welcome this proposed addition to the RPS. The building is historically important in relation to the 1916 Rising.
- b) Submission to retain the form, layout and as much of the fabric as possible to enable the story of the Rising, evacuation, occupation, battle and surrender to be told. Also, concern regarding limited extent of the structures to be protected. The City Council was clear that the buildings were to be protected, rather than just parts, and that the integrity of the terrace 10-25 Moore Street is maintained.
- c) Concern regarding the length of time it has taken for the structures to be proposed for addition due to access not being afforded.
- d) The Architectural Heritage Protection Guidelines (2011) state that “some events or associations may be so important that the place retains its significance regardless of subsequent alteration”; - it is submitted that this is the case in relation to the Moore Street battlefield site.
- e) The protection voted by motion of the Councillors should not be curtailed to fit the planning applications.
- f) The extent of protection to be expanded in line with the Architectural Heritage Protection Guidelines (2011).

**Response:**

**a):** Noted.

**b):** 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Council’s Elected Members on the 8<sup>th</sup> June 2015.

While the building at 17/18 Henry Place covers the entire of its site, its architectural character and significance is diminished, with the exception of the remaining 19<sup>th</sup> century fabric of the ground floor elevations to Henry Place and Moore Lane.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

**c):** Noted.

**d):** The reference to ‘place’ under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

*a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group.”*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

**e):** Regarding requests by means of motions passed by the Council’s Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the

RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

f): The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

### **Summary of Observation from Stephen Troy, Moore Street Business Alliance**

- a) The Moore Street Business Alliance supports the call by the City Council to add all 1916 buildings including the Moore Street terrace to the RPS on historic grounds. It should not be a cherry picking exercise of remaining 1916 elements; - where a building contains such features it must be preserved in its entirety to place it in its context. Thousands of protected structures in the city and all warrant full protection (of the building).
- b) The area should be as near as possible to how it appeared (in 1916) during the volunteers last stand.
- c) The proposed additions do not include the Bottling Stores on the O'Connell Street side of Moore Lane identified as pre-1916 in the Myles/Shaffrey Battlefield Report; a hugely significant location in the story of the evacuation.
- d) Submits the following for noting: Minister O'Brien's comment on the High Court judgement and Eamon O'Cuiv's comments of 18 March 2016.
- e) References to structures: No. 10: pre-1916; 11/12: party wall is pre-1916 and original yard to rear. 12/13: original party wall; 13/14: party wall to National Monument; 14-17: National Monument; No 18: "... was described as derelict in 1916 although a portion of its 19<sup>th</sup> century façade remains to the first floor at the front". No. 19 – party wall to No. 18. 20/21: original buildings; 22/23: original basements. 24/25: original party wall to rear yards. Submit that all be added to RPS including curtilage; where altered to be rebuilt in context and keeping with the National Monument. Note: Cassells on Battlefields of Europe: Moore Street as last extant 1916 battlefield in city and National Museum of Ireland: "most important historic site in modern Irish history".

### **Response:**

a): 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Council's Elected Members on the 8<sup>th</sup> June 2015.

Having regard to the addition request and the substantial loss of architectural fabric relevant to the 1916 period, it is considered that the architectural character and significance of 17/18 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneways at Henry Place and Moore Lane

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

b): It is noted that a number of buildings on Moore Street and in its environs were demolished and replaced with new buildings in the decades after 1916, while the evidence also shows that two others were in ruins in 1916 and were developed thereafter.

c): The subject building comprising the former O'Brien's Bottling Stores to the rear of 10 Moore Street and Moore Lane, is located at 17-18 Henry Place on the west side of Moore Lane. It is among the five named 1916 buildings requested for addition to the RPS in Motion 44 by the Elected Members on 8<sup>th</sup> June 2015.

d): It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018.

e): The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended). The report provided a schedule of appropriate references relevant to both the description and assessment.

The proposed addition in this instance is the former O'Brien's Bottling Stores, 17/18 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, regarding the provenance of buildings on Moore Street, the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, "*The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19.*"

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

#### **Summary of Submission from Stephen Little & Associates on behalf of Dublin Central GP Limited**

- a) Reference to submission in letters dated 6<sup>th</sup> May 2022 and 26<sup>th</sup> May 2022 made by McCann Fitzgerald Solicitors on behalf of Dublin Central GP Limited to Dublin City Council, setting out the grounds and arguments in this matter (and resubmitted here). It is submitted that there is nothing in the materials submitted that these previous submissions have been considered properly or at all.
- b) The properties subject of the proposed additions to the RPS are located within Site 3 (Ref: 2861/21) and Site 4 (Ref: 2862/21) of the Dublin Central project and have already been assessed by Dublin City Council, as Planning Authority. The decisions of appeals in respect of these sites remain under consideration by An Bord Pleanála (Refs: ABP-312603-22 and ABP-312642-22 respectively).

Submissions per McCann Fitzgerald Letter dated 4<sup>th</sup> May 2022 to the City Council.

- c) There is an extant planning permission that authorises development of these structures (Reg. Ref: 2479/08 ABP PL29N.232347): None of the reports acknowledge



the legal significance of this permission. The duration of the extant permission is until 3<sup>rd</sup> September 2022 and any attempt to include these structures on the RPS before expiry would be inconsistent with section 58(3) of the Planning Acts.

- d) There are several pending planning applications: It would be inappropriate and unlawful to interfere with those pending applications by this new process. Reference to the motion agreed by the City Council at its meeting on 14<sup>th</sup> June 2021 calling for additions to the RPS, made expressly "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". Reference to 1<sup>st</sup> June 2021, the date on which 3 planning applications were lodged. Reference to decision to grant permission (now on appeal) per Ref: 2861/21 and to Condition 7(c) thereof including for development at 4-8, 10 and 17/18 Henry Place. Reference to decision to grant permission (now on appeal) per Ref: 2862/21 for development of 10, 11, 12, 13 and 20/21 Moore Street. Extensive expert information, analysis and impact assessment regarding architectural heritage and archaeology were submitted with the subject planning applications that are now for consideration of the Board, which is the exclusive independent forum within which the merits of these issues are to be resolved. It would be fundamentally at variance with proper planning for the Council to prejudice or attempt to exert influence on the outcome of pending planning process (of the Board) by proposing to add these structures to the RPS at this particular time.
- e) There has not been any relevant change since the last plan, or any other plan, was made: The special interest and association of 12 sites has been long known. The Franc Myles Report (2012) referred to in the Council Motions does not justify or recommend the addition of structures to the RPS, but only confirms the historical, cultural and social interest of the relevant structures associated with the events of 1916. The Council did not previously consider these interests such as to merit inclusion on the RPS, including during the preparation of the 2016-2022 Dublin City Development Plan, also having regard to the identification of four structures at nos. 14-17 Moore Street as worthy of protection, and the exclusion of others. This status informed decision-making on design and the preparation of planning applications for the lands. No relevant or material reason for such change in plans or in circumstances has been stated in the 12 conservation reports to justify a new or greater burden on the lands.
- f) The circumstances give rise to a reasonable apprehension of bias and/or pre-judgement: On the basis of the foregoing submission, it is not possible to understand why the Council is progressing the (additions) process, except to surmise that the elected members have already formed a view on the matter; note the reference to the motions of the City Council and in particular that of the 14<sup>th</sup> June 2021 which raises concerns regarding apparent bias and/or pre-judgement.
- g) The 12 conservation reports and recommendations were completed before Dublin Central GP Limited were given an opportunity to be heard; - the first attempt issued on 23 March 2022, comprised reports dated 15 March and 21 March. Thus, the Council completed its architectural heritage assessments such as would suggest that substantial burdens might be imposed before any opportunity was given to be heard in the matter, which is unfair and unlawful. It appears impossible for the Council to ensure the opportunity for comment is meaningful in the circumstances where the recommendation was final before giving notice to Dublin Central GP Limited, where the elected members have already formed a fixed and inflexible view in the matter and where the Central Area Committee already confirmed that view on 12 April 2022.
- h) The major investment in the regeneration project was made in reliance on planning history, including the extant permission, and the long-standing strong policy, within relevant development plans favouring regeneration of these lands. The legal risks for the Council have been previously highlighted should it fail to respect the property rights of our client (Dublin Central GP Limited). Notwithstanding this, the Council and its elected members in particular, appear determined to add these structures, without any

attention to the legal requirements for inclusion on the RPS and without any attention to the submissions of our client.

McCann Fitzgerald Letter dated 26<sup>th</sup> May 2022 to the City Council's Law Agent:

- i) Welcome confirmation that the Council is considering the recommendations made in the 12 no. conservation reports, that no decision for proposed addition have been made and that the submissions made in the letter of 4<sup>th</sup> May will be considered prior to making any decision. Reference to comments of the Law Agent per letter 25<sup>th</sup> May (to McCann Fitzgerald) with submission that 'we cannot understand why you disagree with the points explained in our letter, in particular regarding the extant permission and pending applications' in the absence of elaboration and that '... we do not believe the Council has ever before added a structure to the RPS where there existed a valid and subsisting planning permission for development of that structure'; noting that the Council did not disagree.
- j) It is noted that no real effort was made to protect the buildings until after the submission of the planning applications. The Council never before considered these interests worthy enough to merit inclusion on the RPS, including under the preparation of the Dublin City Development Plan 2016 – 2022. There has not been any relevant change since nor at any time after the introduction of protected structures, nor prior to that time. There is no reason for the change (provided) in any of the 12 reports.

**Response:**

**a):** Noted. The considerations in previous correspondence from McCann Fitzgerald on behalf of Dublin Central GP Limited were carefully considered by the City Council and included a written response by the Law Agent of the 20<sup>th</sup> May 2022.

**b):** Noted.

**c):** It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, it is acknowledged that any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

**d):** The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**e):** The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

In June 2016 the Planning Authority made a formal request to Chartered Land Limited for appointed DCC consultants to undertake conservation assessment inspections of the five

buildings referred to in Motion 44 of 8<sup>th</sup> June 2015; i.e. (1) O'Brien's Mineral Water Building, Henry Place, (2) The White House, Henry Place, (3) No. 10 Moore Street, (4) The Bottling Store rear 10 Moore Street and Moore Lane, and (5) Hanlon's, 20/21 Moore Street. On the 7<sup>th</sup> July 2016 Dublin Central Partnership Limited became owner of the lands and access for inspection by the City Council's consultants was declined on 11<sup>th</sup> August 2016 for reasons including those of the pending High Court proceedings at that time.

The Planning Authority again requested access for the purposes of carrying out RPS assessment inspections by the Conservation Section on the 21<sup>st</sup> April 2021. Subsequently, Hammerson Group Management facilitated access to the five buildings, which along with others on Moore Street and Moore Lane were inspected during July/August 2021.

The inspections, assessments and reports on the 12 buildings were clearly focused on establishing the special interest or otherwise of each building and/or its parts in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

**f):** As per e) above, there has been a long-standing and historic interest in considering the protection of 1916 buildings located on Henry Place and Moore Street.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

**g):** The 12 Conservation Reports were provided to Dublin Central GP Limited in draft and unsigned form on the 23<sup>rd</sup> March and were receipted on delivery. The 12 Reports were again provided to Dublin Central GP Limited, McCann Fitzgerald and Hammerson Group Property Limited on 4<sup>th</sup> May last. None of the reports were in final form, were unsigned and had a 'Draft' watermark. As stated in the Cover Letter the draft reports were provided for information and comment in the interest of fair procedure and without prejudice to the fact that Section 55 of the Act does not specify that an owner or occupier is given an opportunity to make submissions in advance of the statutory notification of a proposal to add a structure to the RPS.

**h):** The significant investment involved in the proposed regeneration project is acknowledged. It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

It is noted that the current planning applications on the lands are on appeal to An Bord Pleanála and that no decision has been made by the Board to date.

i): The submissions here are similar to those raised under item e) above and have been addressed in the response to that item.

### **Summary of Observation from Proinsias Ó'Rathaille**

- a) The call by Councillors for the listing of 1916 buildings and terraces of houses as the last headquarters of the provisional government refuge of the GPO garrison must be heeded given the extent of 1916 fabric identified throughout the area in the survey reports conducted by the Council experts.
- b) The area satisfies the criteria accepted and established by the High Court and Court of Appeal in Moore v The Minister for national monument recognition and protection as its preservation is a matter of national importance.

### **Response:**

a): The proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

However, 17/18 Henry Place, known as the former Bottling Stores, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

b): The matter of National Monument status for the area is an entirely separate process under National Monuments legislation.

### **Conclusion**

9 submissions/observations were received in relation to 17/18 Henry Place, Dublin 1.

Four submissions include clear statements welcoming the proposed addition of 17/18 Henry Place to the Record of Protected Structures; each of which also support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS.

Another four submissions/observations support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS; though in some cases they do not explicitly welcome/support the proposed addition of the ground floor façades to Henry Place and Moore Lane of 17/18 Henry Place.

Each of these eight submissions have been considered and responded to above, including the following responses in particular:

The proposed addition of this structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

- a) *A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some*

*events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group.”*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

Regarding requests by means of motions passed by the Council’s Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The submission made on behalf of the property owner, Dublin Central GP Limited, objects to the proposed addition of 17/18 Henry Place to the RPS. The grounds of objection and other matters raised in the submission have been considered and addressed in the responses to the submissions above, including the following in particular:

It is noted that the former planning permission per Reg. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it ‘necessary or desirable’ and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

The Conservation Reports on the 12 buildings on Moore Street and Henry Place have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

In relation to 17/18 Henry Place, the special interests of the structure as identified in the report above has not been materially refuted or otherwise seriously called into question; having regard to the provisions of the Act.

It is considered that 17/18 Henry Place, Dublin 1, merits inclusion on the Record of Protected Structures on the basis of its historical, cultural and social significance. However, given the loss of historic fabric over the intervening period since the Rising, the proposed protection should be limited to the external, ground floor façades of 17/18 Henry Place, fronting onto the laneways at Henry Place and Moore Lane.

The extent of the proposed Protected Structure status and curtilage is outlined in Fig.2 below.

**Recommendation to the City Council**

In accordance with section 55 of the Planning and Development Act 2000 (as amended), it is recommended that the ground floor façades to Henry Place and Moore Lane of 17/18 Henry Place, Dublin 1, to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

<b>Recommendation</b>	
<b>Address</b>	<b>Description (to appear on RPS)</b>
17/18 Henry Place, Dublin 1	Commercial Premises (former Bottling Stores) ground floor façades to Henry Place and Moore Lane

The making of any addition to the Record of Protected Structures is a reserved function of the City Council.

**Richard Shakespeare**  
**Assistant Chief Executive.**  
**27<sup>th</sup> October 2022**



**Photographs**



Fig. 3: 17/18 Henry Place, front (south) elevation.



Fig. 4: 17/18 Henry Place, east elevation to Moore Lane.



Fig. 5: 17/18 Henry Place, upper section of western party wall to 16 Henry Place.

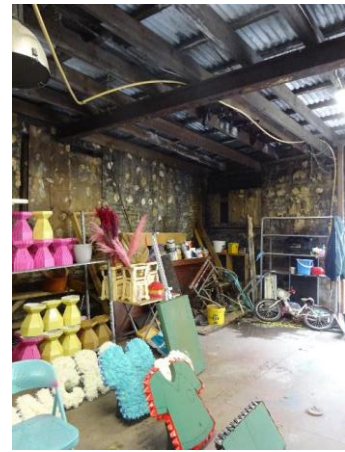


Fig. 6: 17/18 Henry Place, view of interior

### Historic Maps

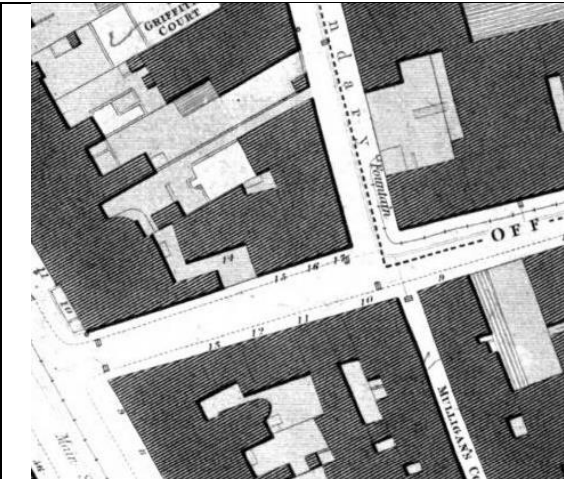


Fig. 7: Dublin OS Sheet 14, 1847



Fig. 8: Dublin OS sheet XVIII.47, 1891



Fig. 9: Charles Goad, Insurance Plan of the City of Dublin, 1893



Fig. 10: Charles Goad, Insurance Plan of the City of Dublin, revised 1961