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**Addition of the two-storey historic brick party wall (only) on the north side of 12 Moore Street, Dublin 1, to the Record of Protected Structures in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).**

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**Photograph 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 12 Moore Street, 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 14<sup>th</sup> June 2021, passed a motion (Emergency Motion No. 1) put forward by Councillors Micheál Mac Donncha, Máire Devine, Janice Boylan, John Lyons, Cieran Perry,

Christy Burke, Daithí Doolan, Seamus McGrattan, Larry O’Toole, Daniel Céitinn, Anthony Connaghan; *“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 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.”*

**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”.

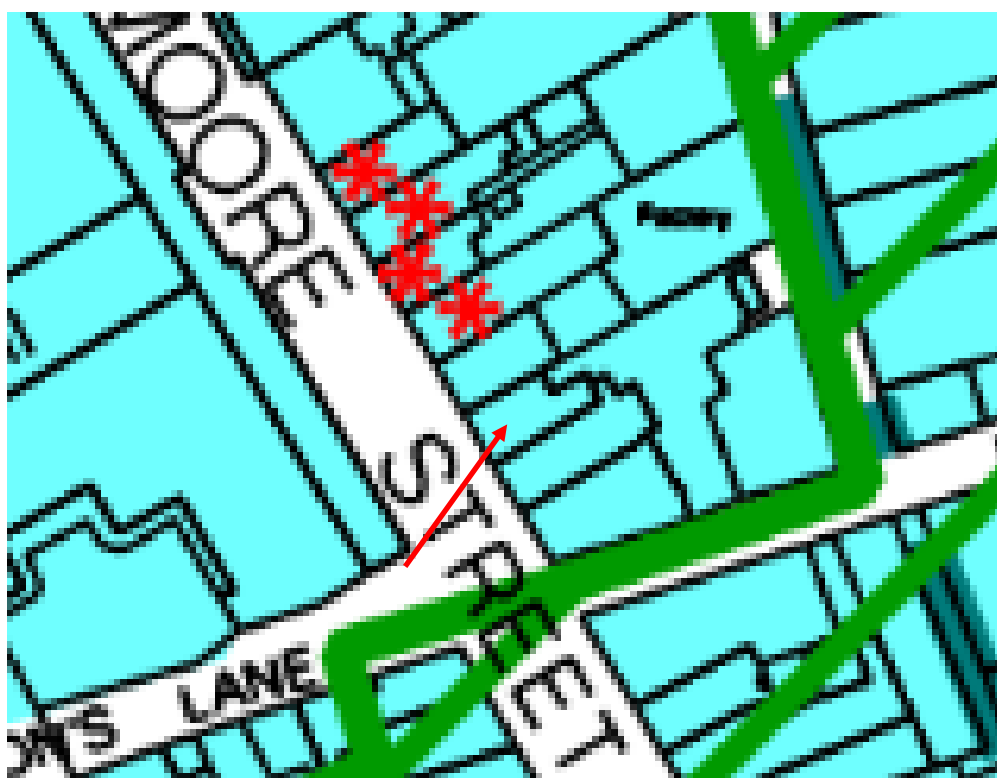


Figure 1: Site Location and Land Use Zoning

**Architectural Conservation Area**

12 Moore Street is not within an Architectural Conservation Area, but are proximate to the designated O’Connell Street ACA (2001); shown in diagonal green coloured cross hatch on Fig. 1, above.

**Relevant Planning History**

Planning Ref.	Description	Decision Date
2579/75	Reconstruction of Bakery Shop & Offices	Grant Permission 12/11/1975
2479/08	<b><i>Description has been abbreviated</i></b> 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,	Grant Permission on appeal per

Planning Ref.	Description	Decision Date
	<p>52-54 (protected structures), 55-56, 57 (a protected structure), 58 (a protected structure), 59, 60 (a protected 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. The proposed development has a gross floor area (GFA) of 158,026sqm; including 109 no. retail units and an anchor store, 110 no. retail units in total (c 56,155sqm); 17 no. cafe/restaurant/bar units (c 5,372sqm); 108 no. residential units; office space (c. 2,893sqm); a gallery (c. 903sqm); a visitor attraction or 'Sky Lift', viewing deck and ticketing area (c. 435sqm); a drop in facility (c. 157sqm); a commemorative centre (c. 268sqm), an assembly hall (c. 320sqm); 2no. new public streets, 3 no. public spaces at street level, a roof garden (c1258sqm); an outdoor performance space (c263sqm); communal residential open space, (c2554sqm); 1115 no. car parking spaces, 560 no. bicycle parking spaces, a c30m high 'green wall' or hydroponic vertical garden with feature lift on the Henry Street frontage, and ancillary uses, with a minimum height above ground of 3 no. storeys, a maximum height of 13 no. storeys and 5 no. basement levels. Note: permission granted for demolition of 12 Moore Street under Reg. Ref: 2479/08.</p>	PL29N.232347: 24/03/2010
2479/08X1	As above – Extension of Duration of Planning Permission granted per PL29N.232347.	Extension of Duration granted: 21/07/2016
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	Decision to Grant Permission 12/01/2022; now on appeal to An Bord Pleanála

Planning Ref.	Description	Decision Date
	<p>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 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 consists of the demolition of No. 12 Moore Street, with the retention of the historic party wall between Nos. 12 and 13 Moore Street; now the subject of an appeal to An Bord Pleanála.</p>	

### **Recent Enforcement History**

None; latest E0866/11.

### **Description**

12 Moore Street was inspected by the Conservation Section on the 19 July 2021 as part of the architectural heritage assessment of the proposed development per Reg. Ref. 2862/21.

This description is based on that internal and external inspection, along with consideration of available research and documentation, the architectural heritage documents submitted as part of planning application Reg. Ref: 2862/21, and a more recent external inspection in March.

*Exterior:*

Terraced two-bay, three-storey premises with flat roof, built c.1975, with a two-storey extension to rear encompassing No.5a Moore Lane. The modern rear extension includes a basement to part adjacent to No. 13. A projection above the two-storey extension houses a stair core. The premises replaced an earlier structure on the plot fronting onto Moore Street. Red brick laid in stretcher bond to front façade with concrete copings. Rear and side walls above extension are cement-rendered. The remains of an historic brick party wall standing two-storeys in height with concrete above can be seen between No. 12 and No.13 to the north, sandwiched between the two more recent party walls. Square-headed window openings with red brick jack arches, concrete sills and aluminium windows. The window openings have been blocked internally using concrete blocks. Late twentieth-century shopfront to ground floor. A red brick nib of the historic party wall between No.12 and No.13 is visible to the north end of the front façade, two storeys in height with concrete infill to bring the nib to three storeys.

*Interior:*

The ground floor accessed directly from Moore Street is a single unit, operating as a shop with modern finishes and no historic fabric in evidence. A door to the rear (east) of the space, leads through to a space linked with No.11. Finishes are modern and there is no evidence of historic fabric.

The first floor of No.12 is interlinked with No. 11 Moore Street, 15-16 Henry Place and 5a Moore Lane. Finishes to the first floor are all modern with no historic fabric in evidence.

The second floor of No.12 is accessed by way of stair core projection to the north east of the building. All finishes to the second floor are modern and there is no evidence of historic fabric.

### **Historical Background**

A structure was first indicated on the plot of No.12 Moore Street on Bernard Scalé's 1773 revision of John Rocque's *An Accurate Survey of the City and Suburbs of Dublin* (1756), as part of a terrace of buildings. The plots on Moore Street stretched back to what is now Moore Lane, then called Old Brick Field Lane. A structure continues to be shown on the site on historic mapping throughout the nineteenth-century and into the twentieth century. The structure had a commercial use from an early date. The building was used variously by a tailor, an upholstery, a provision dealer, pharmacy, bakery, china shop and dairy. The 1893 Goad's Fire Insurance Map annotates the building as having a shop at ground floor level with tenements over. It is a slate-roofed three-storey structure with a single-storey return to rear (Fig. 8). A single-storey timber structure is shown across the plot to the rear with a yard opened to Moore Lane. The 1901 Census records the building as a '*Shop and Tenement*', occupied by six families.

At the time of the 1911 Census, the building was described as a shop and occupied by three households, indicating that the building also included tenements. Thom's Directory records T.F. Cogan, a confectionary, as occupying No. 12. Cogan's also occupied 10 Moore Street at this time.

### **1916 Historical Association**

On Friday 28<sup>th</sup> April 1916, the Volunteers garrison in the GPO commenced evacuation of the building as it became engulfed in fire. Following an initial attempt by a group led by 'The O'Rahilly' to reach the William & Woods factory on Great Britain Street (now Parnell Street) that failed, the remainder of the garrison exited the GPO by a side entrance on Henry Street directly opposite the southern end of Henry Place. They made their way along Henry Place before breaking into No.10 Moore Street, located at the junction of Moore Street and the

western end of Henry Place. From there, they broke openings through upper floor party walls in buildings along Moore Street during the night of April 28<sup>th</sup>.

Joe Good, in his account of the 1916 Rising, *Inside the GPO 1916: A First-hand Account*, recounted that the idea for breaking through walls came from one of the young women sheltering in 10 Moore Street (Cogan's). (1996, 57) Republican detachments to the rear of the GPO had utilised the technique of burrowing through walls and in positions to the far side of Sackville Street. James Connolly had also recommended it as a tactic. The walls were, in many cases, a single stretcher (brick) thick and progress through them would have been rapid; though witness statements refer to there being only a single crowbar available. 'Creep holes' have been recorded in party walls with pre-1916 fabric surviving, mostly at first floor level, though there are creep holes at other levels between some buildings. Feargus de Burca in his witness statement recollected the following: '*Creeping through holes into bedrooms, then downstairs and through another opening into sitting-rooms, through shops and finally to our resting place for the night...*' (WS 694)

It is unknown where any creep holes between 11 and 12 Moore Street were situated, as no historic fabric remains between these two buildings.

However, investigations of the party wall between 12 and 13 More Street, on the inside of No.13 revealed two probable infilled creep holes. The first is at ground level in the front room, but this does not seem large enough for use. It may indicate an abandoned attempt to create a creep hole.

The second is on the first floor in the rear room. This has been categorised as a creep hole formed and used by the Volunteers as they moved along the terrace (Fig. 6).

The party wall between Nos. 12 and 13 is a surviving historic wall, which was retained as a nib (see Fig. 4), during phases of demolition and new construction on the two sites in the 1960s and '70s. This historic wall is two-storey in height with concrete infill above. The discovery of creep holes in this surviving party wall is significant, given the direct relationship to the 1916 Rising.

Witness accounts refer to the deaths of five civilians on Moore Street over the Friday evening by British fire along the street. One of the civilians, Patrick McManus, was a resident of 12 Moore Street. Witness statements from Oscar Traynor (WS 340) and Feargus de Burca (WS 105) describe seeing his body on the street, wrapped in a white sheet that he had apparently used as a flag of truce.

In August 1916, Thomas F. Cogan made a claim to the Property Losses (Ireland) Committee, 1916 for damage to 12 Moore Street caused by gunshots and looting of the property during the Rising (Claim No. 118). The claim paid by the Committee amounted to £22.00. The Particulars of the Claim submitted noted restoration of the premises as one of the costs indicating that the building fabric required repair. Two further claims were made to the Committee – one from Arthur Williams (Claim No. 4045) and one from Bridget McManus (Claim No. 4316). Both of these were for household goods, with Bridget McManus's claim noting that her husband was shot during the Rising.

### **Post-1916**

Patrick McGivney, a cutler, occupied the building from 1917 to 1918. The shop appears to have been unoccupied in 1919. From 1920 to 1955, the building was occupied by provisions merchants with P.J. Byrne, a grocer occupying the building through to the mid-1960s. Goad's Insurance Plan of 1961 illustrates the building as a three-storey structure in use as '*Shop and tenements*' (Fig. 9). The adjacent plot at 13 Moore Street is shown as empty on Goad's 1961 Plan, with a note reading '*Site for Proposed Shop Feb '61*'.

By 1960, the upper floor tenements of No. 12 are described as being in 'ruins'. The building was vacant from 1967, according to Thom's Directory. An image of Moore Street dated 1971, in the Dooley and Hall report on Nos.10-25 Moore Street, shows the structure reduced to a single storey premises by that time, following removal of the upper floors (2019, 9).

In 1975, a planning application was submitted for the *Reconstruction of Bakery Shop and Offices* at 12 Moore Street (Reg. Ref. 2579/75). The drawings show a modern concrete post and beam structure, with no reference to retained fabric or structures. K.C. Confectionary were also granted permission in 1978 to rebuild No. 11 as a shop and bakery.

Thom's Directory of 1980 lists K.C. Confectionary as occupying No. 12, though they had vacated No. 11 by then. In 1985, Thom's Directory links Nos. 12 and 13 as one entry occupied by '*Susan's Dublin's Best Confectionary, confctnrs (cakes)*'. The ground floor has continued in various commercial uses. The first floor is vacant.

### References:

- (Digital records accessed 21/02/2022)
  - *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1847, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40835>
  - *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1864, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40836>
  - *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1891, Sheet DN018\_047 <http://digital.ucd.ie/view/ucdlib:40918>
  - Chas E. Goad Limited *Insurance Plan of the City of Dublin Vol.1: Sheet 4, 1893* <http://www.bl.uk/onlinegallery/onlineex/firemaps/ireland/mapsu145ubu4u2uf004r.html>
- (Digital records accessed 24/02/2022)
  - Records of the Property Losses (Ireland) Committee, National Archives of Ireland <http://centenaries.nationalarchives.ie/centenaries/plic/index.jsp>
- *Census of Ireland 1901 and 1911* (<http://www.census.nationalarchives.ie/> accessed 09/03/2022)
- Department of Housing, Local Government and Housing, *Architectural Heritage Protection Guidelines for Planning Authorities*, 2011
- Dooley, Prof. T. & Hall, Dr D. (2019) *Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970*. Report commissioned on behalf of the Moore Street Advisory Group
- Molloy & Associates, *Baseline Assessment of 1916 and 1922 Battlefields*, Appendix A4, planning application reference 2862/21
- Molloy & Associates, *Appendix A4.4: Building Inventory, Record and Description for Nos 11-12 Moore Street, 15-16 Henry Place and 5A Moore Lane*, submitted with planning application reference 2862/21
- Myles, F. (2012) *Battlefield Archaeological Assessment: Moore Street and Environs*
- The National Inventory of Architectural Heritage Survey of Dublin City, Stage 1 Ministerial Recommendations issued on the 4<sup>th</sup> of June 2014

### 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) survey has been carried out for the area under Stage 1 of the Dublin Survey. 12 Moore Street was surveyed, but not recorded.

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

The Conservation Section considers the two-storey, historic brick party wall (only) between 12 and 13 Moore Street, to be of historical, cultural and social interest, as follows:

#### **HISTORICAL**

The location (site) of 12 Moore Street is of historical significance due to its direct connection with the events of the 1916 Rising. The Witness Statements collected from Volunteers in the late 1940s refer to No. 12 Moore Street in their recounting of the evacuation from the GPO and the occupation of buildings on Moore Street during the final hours of the Rising. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that the '*...some events or associations may be so important that the place retains its significance regardless of subsequent alteration.*' (2011, p. 25). However, 12 Moore Street was substantially demolished and rebuilt circa 1975.

Nevertheless, the surviving, historic party wall in-between 12 and 13 Moore Street retains important historic fabric relating to 1916 and contributes to the understanding of the route the Volunteers took through the buildings. Consequently and despite the loss of the all other elements of the pre-1916 structure at 12 Moore Street, this section of wall is of high historical significance. 12 Moore Street is also known to have been the home of one of the civilians killed during the Rising.

#### **CULTURAL**

The position of 12 Moore Street within the group of buildings along the east flank of Moore Street occupied by the Volunteers during the final hours of the Rising has conferred a cultural significance on the plot over the course of the past century. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that special interest can be assigned to sites/structures '*...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, and this, naturally, includes sites that played a role in the events of that week.

#### **SOCIAL**

12 Moore Street is considered to be of social significance due to its association with the Easter Rising evacuation route. The *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) 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*'. The 1916 Easter Rising was a defining moment in Ireland's struggle for independence.

The Conservation Section considers that the modern building at 12 Moore Street is of insufficient special interest under the provisions of Sections 51 and 54 of the Planning and Development Act, 2000 (as amended). However, the surviving historic, two-storey party wall sandwiched between 12 and 13 Moore Street, with evidence of infilled creep holes relating to the 1916 Rising, is considered to be of 'National' significance, based on the NIAH significance/ratings above.

#### **CONCLUSION**

The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost.



Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained. This surviving historic wall includes evidence of creep holes from 1916. This structure is of special historical, cultural and social interest and merits inclusion of the City Council's Record of Protected Structures.

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

A report on the proposed addition of the structure (two-storey historic brick party wall on the north side of 12 Moore Street) 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 12 Moore Street, 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) & 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 12 Moore Street, 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.

The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition,

the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 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): No. 12 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14<sup>th</sup> June 2021.

b): The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916.

**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 12 Moore Street, 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 of 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):** 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.

The request for the listing of the entire terrace (10 to 25 Moore Street) relates to Emergency Motion No. 1 of 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 12 Moore Street, 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 previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers ‘burrowed’ on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916.

**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 previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers ‘burrowed’ on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916.

12 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14<sup>th</sup> June 2021.

**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)** The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers ‘burrowed’ on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916. 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 12 Moore Street 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 12 Moore Street, 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 12 Moore Street, 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):** 12 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14<sup>th</sup> June 2021.

The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers ‘burrowed’ on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916..

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):** 12 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14<sup>th</sup> June 2021.

The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916.

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 O'Brien's Bottling Stores to the rear of 10 Moore Street and Moore Lane (at 17-18 Henry Place on the west side of Moore Lane) is among the five named 1916 buildings, along with 4-8 Henry Place, known as O'Brien's Mineral Water Building and 10 Moore Street requested for addition to the RPS in Motion 44 as passed by the Council's 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 No. 12 Moore Street, 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 on 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 DCC appointed 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, with 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 now 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.

No. 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained and includes evidence of creep holes from 1916.

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 12 Moore Street, Dublin 1.

Four submissions include clear statements welcoming the proposed addition of 12 Moore Street to the Record of Protected Structures; three 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 two-storey historic brick party wall (only) to 12 Moore Street.

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 reference to 'place' under sub-section 2.5.8, Historical interest p. 25 of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest of a structure or parts of a structure may be identified. 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 submission made on behalf of the property owner, Dublin Central GP Limited, objects to the proposed addition of 12 Moore Street to the RPS. The grounds of objection and other matters raised in the submission have been 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 12 Moore Street, the special interests of part of the structure as identified in the report above have not been materially refuted or otherwise seriously called into question; having regard to the provisions of the Act.

The previous building at 12 Moore Street formed part of the evacuation route in 1916, being one of the structures through which the Volunteers 'burrowed' on the night of April 28<sup>th</sup> as they moved through the terrace on Moore Street. However, 12 Moore Street was demolished and rebuilt in the late 1970s, with much of the previous fabric lost.

Notwithstanding that demolition, the party wall between 12 and 13 Moore Street was retained. This surviving historic wall includes evidence of creep holes from 1916. This structure is of special historical, cultural and social interest and merits inclusion of the City Council's Record of Protected Structures.

**Recommendation to the City Council**

In accordance with section 55 of the Planning and Development Act 2000 (as amended), it is recommended that the two-storey historic brick party wall in-between 12 and 13 Moore Street, Dublin 1, be added 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>
12 Moore Street, Dublin 1	Two-storey, historic brick party wall (only) between 12 and 13 Moore Street, with evidence of 'creep holes' from 1916

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**

**Extent of Protected Structure Status**

The extent of protected structure status and curtilage is shown on the map below.



Fig. 2: Section of historic brick party wall between 12 and 13 Moore Street, Dublin 1: extent of Protected Structure status and curtilage outlined in red.

**Photographs**



Fig. 3: West elevation of 12 Moore Street



Fig. 4: Historic party wall between 12 and 13 Moore Street; outlined in red





Fig. 5: First floor window opening with modern frame



Fig. 6: Infilled 'creep hole' in party wall to 12 and 13 Moore Street; encircled in red. Photo from inside No.13

### Historic Maps

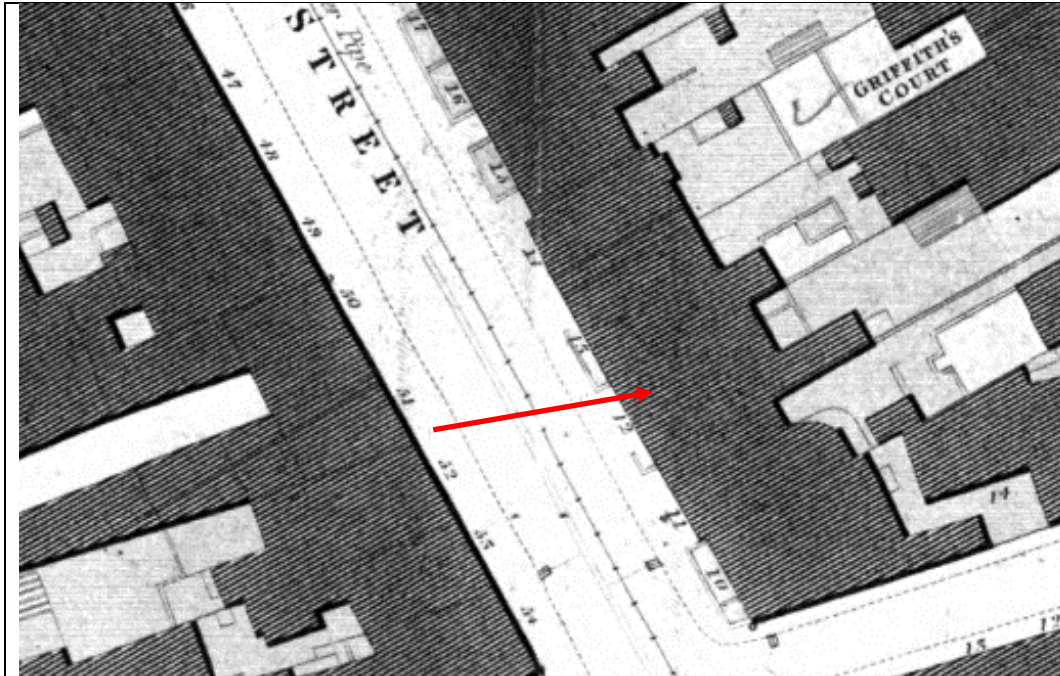


Figure 7: 1847 Ordnance Survey Town Plan Series. Location of the current building arrowed red.

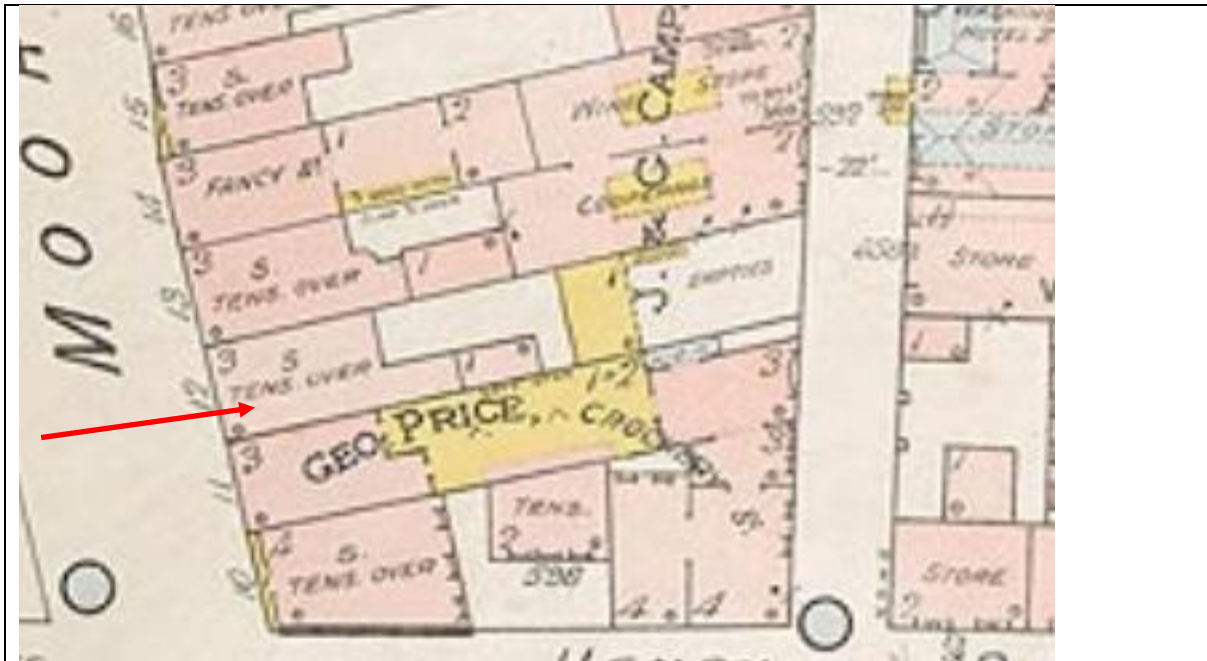


Figure 8: 1893 Goads Insurance Plan of the City of Dublin. Location of the current building arrowed red.



Figure 9: 1961 Revision of Goads Insurance Plan of the City of Dublin. No. 12 Moore Street arrowed red.