
Addition of the historic two-storey historic brick party walls (only) to the north and south sides of 13 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).

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 13 Moore Street, Dublin 1, to the Record of Protected Structures (RPS).

- A report on the proposed addition of the structure was brought to the Central Area Committee on 12th 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, 7th July 2022 and on the Dublin City Council website. The public display period was from Thursday 7th July to Friday 19th August 2022 inclusive.

Request and Reason for Addition

- The Elected Members of Dublin City Council at the monthly council meeting held on 14th 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

No. 13 Moore Street is not within an Architectural Conservation Area, but is proximate to the designated O’Connell Street ACA (2001); shown in green coloured diagonal cross hatch on Fig. 1, above.

Relevant Planning History

Planning Ref.	Description	Decision Date
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 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,	Grant Permission on appeal per PL29N.232347: 24/03/2010

Planning Ref.	Description	Decision Date
	<p>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 & 72-75 Parnell St, Nos 37-39 & 62-69 O'Connell St Upper, Nos 31-36 Henry St & Nos 1-3 Henry Place, Dublin 1.</p> <p>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.</p> <p>Note: permission granted for demolition of 13 Moore Street 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
2435/11	Change of use planning permission with retail/commercial use. The proposed planning permission will convert the existing structure to a restaurant. The development will consist of a new signage to the front of the building and the refurbishment to the ground floor only. The gross floor area shall be 99sqm which will accommodate a restaurant and kitchen.	Grant Permission 13/05/2011
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 proposed development comprises a mixed-use	Grant Permission 12/01/2022; now on appeal to An Bord Pleanala

Planning Ref.	Description	Decision Date
	<p>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. Note: The proposed development consists of the demolition of No. 13 Moore Street with the retention of the historic party wall at Nos. 12/13 Moore Street; now the subject to appeal to An Bord Pleanála.</p>	

Recent Enforcement History

None; latest E0866/11.

Description

13 Moore Street, Dublin 1, 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:

Two-bay, two-storey commercial premises with two-storey return to rear (east) built c.1960 incorporating an historic brick party wall between Nos.12 and 13. Single-storey flat roof addition to rear, opening onto enclosed yard. Flat roofs, obscured from view with cast-iron hopper and downpipe to front. Machine-made red brick to principal (west) elevation laid in English garden wall bond rising to a flying façade at second floor level. Concrete coping to principal facade. Section of historic brick party wall to junction with No.12 Moore Street comprising hand-made brick laid in lime mortar, (evident above shop fascia, rising two-storeys in height). Cement-rendered finish to rear elevation. Corrugated-iron sheeting to east elevation of single-storey addition. Square-headed window openings to first floor of principal elevation having concrete sills, now boarded up. Square-headed window openings to rear elevation carrying timber casement windows. Modern shopfront to ground floor with roller shutter. Modern block built boundary walls to rear yard.

Interior:

Modern floor plan comprising subdivided retail space at ground level serviced by a kitchenette and W.C. Nib walls to north and south possibly concealing concrete superstructure. Single-storey extension to rear/east. Modern staircase rising to first floor in two flights. Accommodation at first floor, now with dividing partition removed, providing largely open-plan space with the exception of a separate W.C. Walls generally with plasterboard/painted finish however the targeted removal of sections of plaster reveal a retained historic party wall, of hand-made brick laid in lime mortar, between Nos.12 and 13 Moore Street.

Historical Background:

Moore Street was laid out in the early 18th century on lands owned by the Earls of Drogheda, and was further developed in the later part of the century under Luke Gardiner. Bernard Scalé's 1773 edition of John Rocque's map of the city and suburbs of Dublin record Moore Street with densely packed terraced residential properties having stabling and warehousing to the rear.

By the 19th century the street had developed as a commercial and market district with residential accommodation provided over ground floor shop units. The first edition Ordnance Survey map of 1847 records No.13 Moore Street with a return to the rear (east) and a lightwell to the front pavement. Further detail is provided by Goads Insurance Plan of 1893 which records the property as a three-storey building with a full-height return¹. A shop, (recorded as a dairy by the corresponding street directories of the period), is shown at ground floor having tenements above. The site to the rear, now with a separate address of Nos. 6-7 Moore Lane (previously Old Brick Lane) is in use as stores under J. & G. Campbell Ltd, tea and wine merchants.

A photograph of the street from mid-20th century captures No.13 prior to the construction of the present building c.1963 – this confirms that the building had conformed to the 18th century Dutch Billy typology, having a gabled façade (see Dublin Central Masterplan, Appendix A4.5 Building Inventory Record & Description for No.13 Moore Street, May 2021, pg.2, Planning Ref: 2862/21).

1916 Historical Association

Moore Street and its environs bore witness to the urban conflict of Easter 1916 when on the evening of Friday 28th April the leadership of the Easter Rising and a detachment of the Irish Volunteers evacuated the General Post Office (GPO) on O'Connell Street, moving along Henry Place, to take up temporary position in the terrace of buildings at Nos.10-25 Moore Street. The volunteers first entered No.10 Moore Street, with No.13 forming part of the evacuation route as the volunteers broke through the successive party walls, northward to reach No. 25. A number of witness statements collected by the Bureau of Military History recount the tunnelling of the walls to form 'creep holes' across the terrace, (WS 694 & 370 etc). *'The technique of burrowing through walls had already been utilised by Republican detachments to the rear of the GPO and in positions on the far side of Sackville Street and had been recommended as a tactic by Connolly. Progress through the brick walls, in many cases a single stretcher thick, would have been rapid, although it appears only a single large crowbar was available'*, (Shaffrey & Myles 2012, 54).

More recently, the targeted stripping of wall plaster in 13 Moore Street exposed infilled 'creep holes' at both ground and first floor in the retained party wall situated in-between Nos.12 and 13.

¹ Curiously, Goads Insurance Plan of 1893 does not record a basement, despite the depiction of a lightwell to the front pavement of the property on the 1847 Ordnance Survey map.

Another infilled creep hole is known at first floor level in the retained party wall between 13 and 14 Moore Street, which forms part of the National Monument.

Post 1916

Claims submitted to The Property Losses (Ireland) Committee in the aftermath of April 1916 record damage to commercial and residential property on Moore Street, as well as losses incurred from the looting of goods. The inspectors report for a claim made by the owner of 13 Moore Street, refers to '*interior damage caused by the rebels*' which the claimant described as the '*rebuilding and plastering [of] side walls (gaps) over shop*' (PLIC/1/2197). It is plausible that the repair of '*gaps*' to the '*side walls*' outlined in the particulars of the claim may refer to the infilling and making good of the creep holes which had been formed by the Volunteers as they broke through the party walls with No.12 and No.14. A further claim was made by the proprietor of the dairy shop, which occupied the ground floor at No.13, in relation to the loss of business caused by possession of the property by the volunteers, to include the damage of goods and '*10 gallons of destroyed milk*', (PLIC/1/0284).

On completion of the repairs following 1916, No.13 Moore Street continued in use as a dairy until the 1960s when the building was demolished and rebuilt as a two-bay, two-storey commercial premises².

The 1961 Revision of Goads Insurance Plan captures the site following demolition of the dairy and prior to construction of the current replacement building – this records the vacant plot as a '*site for proposed shop*' (see Fig. 9 below).

The construction of the new building at 13 Moore Street retained and incorporated a two-storey section of the historic brick party wall between 12 and 13 Moore Street – this section includes infilled creep holes which had been formed by the volunteers during Easter 1916, at ground and first floor.

This retained section of the historic party wall also survived the later rebuilding of 12 Moore Street c.1975 (Reg. Ref: 2579/75) with an image from the period capturing the wall, exposed as part of the construction works (Uncited image, Dooley & Hall Report, 2019, pg.9).

Today the historic two-storey brick party wall is evident in the façade, between the late 20th century brick buildings of Nos. 12 and 13 (see Figs. 3 – 6 below). The premises remained in mixed commercial use through to the late 20th century, though it is currently vacant.

References:

- Dooley, Terence & Hall, Donal Report (2019) Historical survey of the provenance of 10-25 Moore Street, Dublin c. 1901-1970. Report carried out for the Moore Street Advisory Group. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/86217/815e932a-af22-434f-861a-086ecd1bd673.pdf#page=null>
- Department of Arts Heritage and the Gaeltacht, Architectural Heritage Protection Guidelines for Planning Authorities, 2011.
- Goad, Charles, Insurance Plan of the City of Dublin, 1893.
- Goad, Charles, Insurance Plan of the City of Dublin, 1926.
- Goad, Charles, Insurance Plan of the City of Dublin, 1961 revision.
- Military Archives, <https://www.militaryarchives.ie/collections/online-collections/bureau-of-military-history-1913-1921/bmhsearch/>

² Although the 1847 O.S map recorded a light well to the front pavement of the building which formerly occupied the site at No.13 Moore Street, suggesting that this had incorporated a basement, the present building does not include a sub-level. It is likely that any previously existing basement was backfilled as part of the demolition and construction works c.1961-1963, noting that planning permission for works to the adjacent property at No.12 Moore Street c.1975 conditioned the '*infilling of the existing cellars*' (Planning ref:2579/75).

- Molloy & Associates Conservation Architects (2021) Dublin Central Masterplan Area Conservation Plan. Report submitted with Planning Reference 2862/21.
- Molloy & Associates Conservation Architects (2021) Architectural Heritage Impact Assessment Dublin Central Masterplan Area – Site 4. Report submitted with Planning Reference 2862/21.
- Ordnance Survey Town Plan Series for Dublin City 1847.
- Property Losses (Ireland) Committee,
<http://centenaries.nationalarchives.ie/centenaries/plic/index.jsp>
- 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.
- Thom's Official Almanac and Street Directory for Dublin.
- Valuations Office, cancelled books 1882 to present day.

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. 13 Moore Street, Dublin 1 was surveyed, but was not recorded.

Assessment of Special Interest under the Planning and Development Act 2000

The Conservation Section considers the retained two-storey section of historic brick party wall between 13 and 12 Moore Street, and the retained historic party wall between 13 and 14 Moore Street, to be of historical, cultural and social interest.

HISTORICAL

The retained historic party walls, with infilled creep holes between 13 and 12 Moore Street and 13 and 14 Moore Street are of historical significance due to their direct connection with the events of the 1916 Rising, and in particular with the occupation of the terrace at Nos.10-25 Moore Street. The Architectural Heritage Protection Guidelines for Planning Authorities state that *'...some events or associations may be so important that the place retains its significance regardless of subsequent alteration.'* (2011, 25).

In spite of the loss of the rest of the historic built fabric around the historic party wall between Nos.12 and 13, following the demolition of No.13 c.1961 and the subsequent demolition of No.12 c.1975, the survival of the historic party walls both to No. 12 and No.14, enables the plotting of a more complete route through the terrace. The retention of party walls that incorporate creep holes formed by the volunteers during Easter 1916 adds considerably to the narrative of the conflict, providing a tangible link to this significant historical event.

CULTURAL

The survival of the historic party walls, retaining creep holes used by the volunteers to move between buildings, as is vividly recounted in the witness statements from the period, 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, which naturally, includes surviving elements of our architectural heritage that had played a role in the events of that week.

SOCIAL

The retained historic party walls, with infilled creep holes between Nos.13 and 12 and Nos.13 and 14 Moore Street are considered to be of social significance due to their association with the Easter Rising evacuation route. 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'* (2011,30). The 1916 Easter Rising was a defining moment in Ireland's struggle for independence.

The Conservation Section considers that the modern building at 13 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 between 12 and 13 Moore Street, with evidence of infilled creep holes relating to the 1916 Rising, and the party wall between 13 and 14 Moore Street, are considered to be of 'National' significance, based on the NIAH significance/ratings above.

CONCLUSION

The previous building at 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost.

Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure). The remaining, historic party wall are of special historical, cultural and social interest and merit inclusion of the City Council's Record of Protected Structures.

Meeting of the Area Committee

A report on the proposed addition of the structure (historic two-storey historic brick party walls (only) to the north and south sides of 13 Moore Street) was brought to the Central Area Committee on 12th 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, 7th July 2022 and on the Dublin City Council website. The public display period was from Thursday 7th July to Friday 19th August 2022 inclusive. 9 submissions/observations were received in relation to 13 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 (5th 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 13 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 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost.

Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure). The remaining, historic party wall are of special historical, cultural and social interest and merit inclusion of the City Council’s Record of Protected Structures.

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

b): The previous building at 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure).

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 (5th 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 13 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 14th 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 of 14th 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 13 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 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure).

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 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure).

13 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14th 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 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure). 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 19th 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): Apart from during the review of the Development Plan, 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), 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 13 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 13 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 (5th 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 13 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 Féin

- 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): 13 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14th June 2021.

The previous building at 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes

in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure).

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 19th 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): 13 Moore Street is one of the buildings requested for addition to the RPS in Emergency Motion No. 1 by the Elected Members on 14th June 2021.

The previous building at 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected 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.

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 8th 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. 13 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 (5th 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 6th May 2022 and 26th 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 4th 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 3rd 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 14th 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 1st 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 14th 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 26th 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 4th May will be considered prior to making any decision. Reference to comments of the Law Agent per letter 25th 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 20th 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 8th 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 7th July 2016 Dublin Central Partnership Limited became owner of the lands and access for inspection by the City Council's consultants was declined on 11th 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 21st 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 23rd 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 4th May last. None of the reports were in final form, were unsigned and 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.

The previous building at 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost. Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure).

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 13 Moore Street, Dublin 1.

Four submissions include clear statements welcoming the proposed addition of 13 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 walls (only) to 13 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 submission made on behalf of the property owner, Dublin Central GP Limited, objects to the proposed addition of 13 Moore Street 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 13 Moore Street, the special interests of the parts 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 13 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 28th as they moved through the terrace on Moore Street. However, 13 Moore Street was demolished in the 1960s and rebuilt in the late 1970s, with much of the previous fabric lost.

Notwithstanding that demolition, a party wall was retained in-between 12 and 13 Moore Street. This surviving historic wall includes evidence of creep holes from 1916. There is also evidence of creep holes in the party wall between 13 and 14 Moore Street (the latter forming part of the National Monument and also a Protected Structure). The remaining, historic party wall are of special historical, cultural and social interest and merit 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 Nos. 13 and 12 and Nos. 13 and 14 Moore Street (RPS No. 5282), Dublin 1, be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

Recommendation	
Address	Description (to appear on RPS)
13 Moore Street, Dublin 1	Two-storey historic brick party walls (only) between Nos. 13 and 12 and Nos. 13 and 14 Moore Street (RPS No. 5282) with evidence of infilled creep holes <u>dating from 1916</u>

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

Richard Shakespeare
Assistant Chief Executive.
27th October 2022

Extent of Protected Structure Status

The extent of protected structure status & curtilage is shown on the map below in red.



Figure 2: Section of surviving historic brick party wall between Nos. 13 and 12 Moore Street, and Nos 13 and 14 Moore Street, Dublin 1: extent of Protected Structure status and curtilage outlined in red. Note: No. 14 Moore Street is already on the Record of Protected Structures and forms part of the National Monument at 14-17 Moore Street, Dublin 1.

Photographs

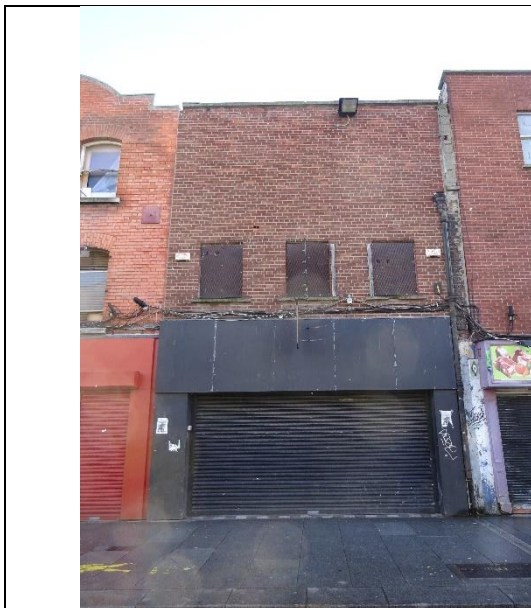


Fig. 3: The principal (west) elevation of No.13 Moore Street



Fig. 4: 13 Moore Street in context with 14-17 Moore Street (National Monument) to LHS



Fig. 5: Retained two-storey section of historic party wall (encircled red) between the modern new-builds at 12 (RHS) and 13 (LHS)



Fig. 6: Detail of the retained historic brick party wall between 12 and 13 Moore Street



Fig. 7: Historic brick party wall at first floor level in 13 Moore Street. The infilled 'creep hole' is shown encircled in red.

Historic Maps

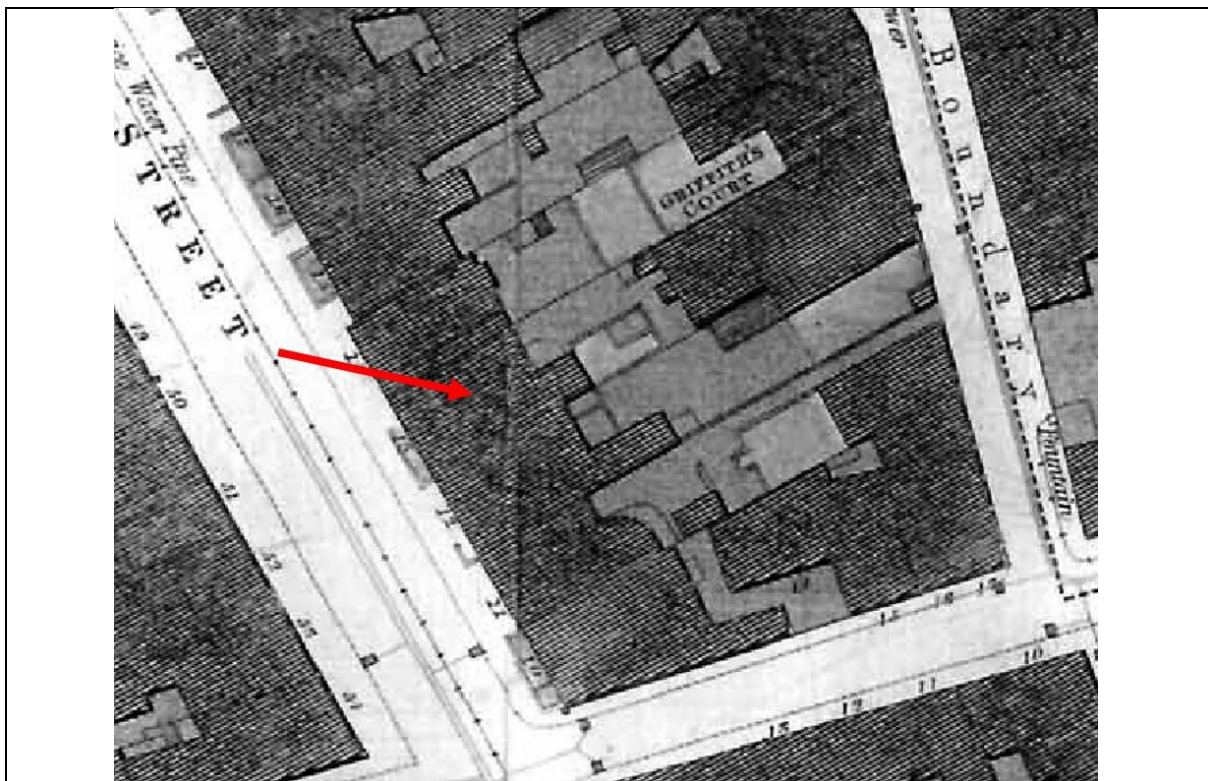


Fig. 8: 1847 Ordnance Survey Town Plan Series, with 13 Moore Street arrowed in red.



Fig. 9: 1893 Goads Insurance Plan of the City of Dublin, with 13 Moore Street arrowed in red.



Fig. 9: 1961 Revision of Goads Insurance Plan of the City of Dublin showing the plot of No.13 Moore Street cleared in preparation for construction of the current building (1961-63); arrowed in red.