



Ms. Catherine Smyth,  
Committee Secretariat  
Committee of Public Accounts  
Leinster House  
Dublin 2

18 January 2024

Ref: S1539 PAC33

Dear Ms. Smyth,

I refer to your letter dated 8 January 2024 concerning correspondence emailed to the Committee by Mr. Patrick Cooney and signed by Mr. James Connolly Heron.

The National Monument Service/Department personnel did not confirm that there were any meetings between them, Dublin City Council and Hammerson concerning a possible compensation package for the Moore Street traders. No such meetings took place. There was limited preliminary engagement over email on a possible scheme to compensate the traders for business disruption during construction works by various parties, initiated by DCC and reaching out to Hammerson and the National Monument Service/Department. Once Hammerson's planning applications were lodged the Department concluded that it would not be appropriate to continue any further discussion on the matter. Any possible future compensation to be paid by the National Monument Service/Department would be solely in respect of works to the National Monument at 14 – 17 Moore Street which fronts fully onto the area where the traders work.

The third Moore Street Advisory Group to the Minister (on which Mr. Connolly Heron sat) recommended that an appropriate compensation package for traders be put in place and this was noted at by Government in a formal Memorandum to it. The process did not proceed to the stage where a specific sanction might need to be sought from the Department for Public Expenditure, N.D.P. Delivery and Reform. There were no conditions attached to proposed tentative compensation payments. It is also worth noting that The Market Working Group of the second Moore Street Advisory Group recommended that Dublin City Council set up a compensation fund for current license holders who wish to exit the market.

The Minister acquired the site encompassed by the Preservation Order placed on the National Monument under section 8 of the National Monuments Act 1930 (as amended by section 3 of the National Monuments (Amendment) 1954) along with the additional area required to deliver the visitor centre for which Ministerial consent had been granted under

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section 14 of the Act of 1930 (as amended by section 5 of the National Monuments (Amendment) Act 2004). This included 14- 17 Moore Street, along with part of number 18 as well as 8 and 9 Moore Lane. I am aware that the “Moore Street Preservation Trust “ (one of a number of connected self-styled entities with the same principals) is campaigning for the State to acquire the surrounding site which is owned by a private developer. I am also aware that the” Trust” has produced plans for that same site, however, as the site is privately owned, it is not clear how the “Trust” proposes to realise these plans.

Additionally, I understand that the Moore Street Advisory Group considered the question of a compulsory purchase order for the site but were of the view that this would open up significant legal challenges thus leaving the area in its current state of dereliction and would contribute to further decline for many years to come.

It should be pointed out that previous efforts to have the national monument refurbished and ready for presentation to the public were held up by legal proceedings which were initiated against the State in the High Court in early 2016. At the same time the buildings were occupied by protesters opposed to the State’s project. The State had acquired the national monument in 2015 along with the intellectual property that had been prepared for the refurbishment of the site. The High Court then held on 18 March 2016 that the works were not compliant with national monuments or planning legislation and went on to find that extensive areas of Moore Street and surrounds were national monuments as had been sought by the applicant in the proceedings. Effectively this stopped all works on the site, other than essential stabilisation and preservation works which were carried out with the full agreement of the High Court.

On 14 February 2018 the Court of Appeal overturned in their entirety the High Court judgements against the Minister and essentially reaffirmed that the power to determine what constituted a national monument was vested in the Minister and that the Minister did not require planning permission for works on national monument sites.

Yours sincerely,

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Graham Doyle  
Secretary General