



1<sup>st</sup> November, 2016

Mr Garry McDonagh,  
Secretary  
Moore Street Consultative Group

*Colm Moore v The Minister* – Legal team

Dear Mr McDonagh,

Thank you for your e-mail of the 25<sup>th</sup> October, 2016 inviting us as legal representatives to make a presentation. I confirm that as the solicitor for Mr Moore I am happy to attend and confirm my attendance on Friday the 4<sup>th</sup> of November, 2016.

Given that I am a solicitor and can only act upon the instructions of my client in the context of legal proceedings I have requested that my client, Colm Moore, attend with me and he has confirmed his attendance.

In the course of our representation, which is continuing, please note an Appeal issued by the Minister and by the third party developer and is presently before the Court of Appeal, the following persons made up the legal team in the High Court:

- Mr Conleth Bradley S.C.
- Mr Stephen Dodd B.L.
- Mr Stephen Hughes B.L.

I have requested they attend on the 4<sup>th</sup> inst. However, they may not be in a position to do so due to time constraints. Please note that Mr Michael Collins S.C. has also been instructed to represent my clients' interests in the hearing before the Court of Appeal however that representation is not due to take place until at least December, 2017.

To address your two specific queries outlined in your e-mail we have taken instruction from our client Mr. Moore and on foot of same can confirm as follows:

#### **1. Vision for the development of Moore Street into the future**

Our client, Colm Moore is not opposed to development of the Moore Street area for commercial purposes. His view has always been however that the nature of the future development of the area should be befitting of and respectful of the historical significance of the area in terms of the significant events of the Rising that occurred there, and that the area should be preserved and/or restored in a manner that, as far as is practicable/feasible, results in the creation of an area that resembles or reflects how Moore Street would have looked at the time of the Rising.



It is our client's view and the view of many others that the current proposed development of the Moore Street area will not achieve this. By way of example, the proposed establishment of a cultural quarter, as has been previously canvassed in a Bill by Fianna Fail, is something that Colm Moore endorses.

The owners of the buildings/ holders of the existing planning permission must be part of the consultation on how to most appropriately develop the Moore Street area going forward. Dublin City Council in their role as planning authority should also be part of the process.

## **2. The practical implementation measures for how this can be achieved**

It is a fact that there is an existing planning permission which provides for re-development of almost the entirety of the Moore Street area. Mr. Moore has not challenged this planning permission or the extension of this planning permission.

There needs to be an agreed acceptance among the relevant stakeholders in relation to the historical significance of the Moore Street area and battlefield site and of the importance of maintaining - as far as is possible - the features of the buildings and structures in the area that are historically significant with regard to the Rising. The official view of the Minister at this time appears to be that the Moore Street Battlefield Site does not exist and that the notion of the battlefield site is an artificial concept. Thus, to make progress there needs to be an initial consensus reached about the extent of the Moore Street area that is historically significant and worthy of preservation in any future development of the area.

The holders of the existing planning permission must be consulted on whether they would be prepared to consider modifying the existing planning permission, so as to facilitate a re-development of the Moore Street area, that is more befitting of the historical significance of the area, and which preserves - as far as is possible - features and structures currently present in the area which have historical significance in relation to the Rising. The planning authority, the Minister and experts such as Conservation Architects could all have a role in such a process.

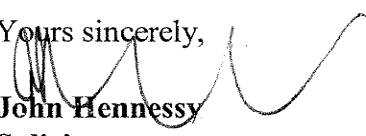
My client has one other pressing issue and that is his exposure to legal costs.

It is public knowledge that my client, as a result of the outcome of the three High Court cases concerning Moore Street, secured Orders for legal costs in each of the three respective cases. The three High Court decisions are presently under Appeal and the State have sought Orders for costs against my client for those appeals and indeed for the High Court actions also. Whilst, I am not a costs assessor, it is possible to approximate that my client is facing exposure to total costs orders in excess of €2 Million euro.



My client issued the three High Court proceedings solely in the public interest. His motivation was and is not personal and it is not a crusade against commercial interests. In the circumstances, my client respectfully requests that this Forum recommend to the Minister that the threat of costs against my client be formally withdrawn and that the Minister agree to discharge my client's legal costs to date, as per the Orders of the High Court.

Yours sincerely,

  
**John Hennessy**  
**Solicitor**