

EIS METHODOLOGY / ALTERNATIVES

IN THE MATTER OF AN APPLICATION TO
AN BORD PLEANÁLA
FOR PERMISSION FOR
STRATEGIC INFRASTRUCTURE DEVELOPMENT
(THE CHILDREN'S HOSPITAL OF IRELAND)

ABP Reg. No. PL29N.PA0024

AND IN THE MATTER OF AN ORAL HEARING

Submission of Conor Skehan
Environmental Impact Services Limited

On the topics of

- EIS Methodology (including Scoping, Topics, Interactions and Cumulative Effects)
- Alternatives

Section A: Introduction

1. Relevant Qualifications and Expertise

My name is Conor Skehan, in this module I am giving evidence to assist the Oral Hearing on the topics of the Methodology for the preparation of the EIS and on Alternatives within the EIS. I have qualifications in architecture [BSc] and landscape architecture [MLA] and have been chartered by the relevant professional institutes¹. I am qualified to give evidence about the methodology used in the preparation of the Environmental Impact Statement because I have extensive experience of preparing and assessing Environmental Impact Assessments. I also have extensive experience of teaching² and in the provision of training and guidance on these topics which includes the preparation of the EPA's Statutory Guidelines on EIA³.

2. Project Role

My role in this project was as Study Director for the preparation of the Environmental Impact Statement Preparation which I did since September 2009 and I confirm that I advised on the methodology to be employed for the preparation of the EIS. This work was carried out in conjunction with my colleagues Ms Ciara Kellett, (Study manager) and Mr Paul Fingleton (Study Supervisor).

Environmental Impact Services were commissioned by the National Paediatric Hospital Development Board (NPHDB) to carry out an Environmental Impact Assessment (EIA) and prepare an Environmental Impact Statement (EIS) for the development of the Children's Hospital of Ireland (CHol) on the Mater Campus at Eccles Street.

Section B: EIS Methodology (including Scoping, Topics, Interactions and Cumulative Effects)

Key Issues Arising

The provisions of the Planning and Development Acts and Planning and Development Regulations required an EIS to be submitted with the application for planning permission in respect of the proposed development of the Children's Hospital of Ireland. Pursuant to statute, an EIS must be prepared for all applications for permission submitted to An Bord Pleanála in respect of Strategic Infrastructure Development.

¹ Royal Institute of the Architects of Ireland, Irish Landscape Institute, Irish Planning Institute, International Association of Impact Assessment, Institute of Environmental Management and Assessment.

² Senior lecturer in DIT's School of Spatial Planning, Head of the Department of Environment and Planning [2004 – 2010].

³ Guidelines on the Information to be Contained in EIS, (2002), Environmental Protection Agency Advice Notes on Current Practice in the Preparation of EIS, (2003), Environmental Protection Agency

The objective of the EIS was to identify significant impacts of the Children's Hospital of Ireland (CHol) on the environment and, where applicable, to work with the client and the design team to identify measures to avoid, reduce or remedy them.

The purpose of the EIA is for the decision-maker (An Bord Pleanála), to consider all information submitted to it by the developer (including the EIS), statutory consultees, the public and interested parties about the likely effects of the project on the environment.

Scoping

The scoping process is detailed in Chapter 2 of the EIS, which describes both the formal scoping document entitled "Proposed Scope of EIS for Children's Hospital of Ireland" that was issued to An Bord Pleanála as well as the extensive consultations with agencies and individuals that took place throughout the preparation of the EIS.

EIS Format

This EIS follows a grouped format structure. Using this structure the EIS is prepared in a framework which examines each environmental topic (as prescribed by the Regulations) in a separate chapter. Each of these chapters refers to: -

- The proposed development
- The receiving environment
- Likely significant impacts
- Mitigation measures
- Residual impacts (where applicable)

Within the individual chapters the EIS addresses each of the topics specified by the EIA Regulations as follows:-

EIA Regulation Topics	EIS Chapter Topics
Alternatives Considered	Alternatives
Project Description	Project Description
Human Beings	Human Beings
Flora	Flora & Fauna
Fauna	Flora & Fauna
Soils	Soils & Water
Water	Soils & Water
Air	Air Quality / Noise and Vibration
Climate	Climate and Microclimate
Landscape	Landscape & Visual Impact
Material Assets	Material Assets (Utilities) Traffic and Transportation
Cultural Heritage	Architectural Cultural Heritage Archaeological Cultural Heritage

EIA Regulation Topics	EIS Chapter Topics
Interrelationship Between the Above Factors	Addressed as it arises within the above chapters and addressed in 'Interactions of the foregoing'

Alternatives

The EIS described an outline of the main alternatives studied by the developer and provided an indication of the main reasons for the selected approach to strategy, policy, site selection, masterplan, brief and design, taking into account the effects on the environment and planning to a degree appropriate to each level studied.

A detailed and separate submission is made below in relation to observations and objections made in relation to the consideration of alternatives.

Interactions

In addition to the formal chapters [including Chapter 16 "Interactions" – which included cumulative effects] and reports by specialists to the project team, throughout the project's regular team meetings, there was a regular examination of the potential for interactions, indirect and secondary and cumulative effects so that these could be identified and avoided at the earliest stage as part of the design process.

The interaction of environmental aspects was clearly identified at an early stage in the project to be an important factor to be considered in the full evaluation of the environmental impacts associated with the proposed development. In the interests of clarity, significant interactions and inter-dependencies have in fact been taken into consideration, and are detailed, under each EIA heading.

Cumulative Effects

The impacts described throughout the EIS will occur in the context of existing and emerging effects at this dynamic inner city location. The existing environment was described throughout the EIS, but emerging effects were more difficult to predict. These were deemed to be likely to include those arising from the development of other hospital related projects – as described in the Masterplan document that accompanies this application. Where relevant, account was also taken of effects likely to arise in this area from the development of the RPA's Metro North project, as well as the other uses and developments envisioned by Dublin City Council's Local Area Plan for the area and environs. Relevant sections of the EIS – such as human beings, noise, air, vibration, traffic, material assets, for example, considered how this proposed project could incrementally contribute to the establishment of the overall envelope of effects caused by the development of the project.

Section C: Alternatives

The documentation within this application for which I am responsible in relation to the subject of alternatives is contained within the Environmental Impact Statement at Section 4. It is important to note that there are also separate submissions relating in more detail to specific aspects of alternatives – contained within the submission by:-

- Mr Paul De Freine, Chief Architectural Advisor, Health Service Executive: on the pre-project background and history of the medical and policy considerations [which included certain planning and environmental considerations].
- Ms Clare White: O’Connell Mahon Architects: on project alternatives that were considered during the preparation of the masterplan and the building design.

I have also prepared responses to observations and objections made in relation to this topic which I have provided to assist this Oral Hearing.

Key Issues Arising

Chapter 4 of the EIS sets out the outline of alternatives considered by the applicant. These considerations were summarized in the Non-Technical Summary as follows:-

The proposed development has been the subject of an authoritative, systematic and comprehensive consideration of alternatives that ranged from national and strategic considerations of medical policy all the way to the detailed considerations of alternative site layout and building design.

At each level, alternatives were systematically and sequentially considered as appropriate, thus at a strategic, national policy level it was determined that Dublin was the appropriate location. Following Government approval of this decision, sites were considered by the Joint Task Force within the region and the Mater site was selected. Once this site was selected and approved by the Government then the brief, masterplan, site plan and building design were developed – with alternatives considered at each level. Thus, land-use, planning and environmental consideration gradually became part of this process as considerations began to include spatially specific considerations.

In parallel with considerations from a health care perspective, the land-use and environmental effects of these high-level decisions were being systematically considered in Dublin City Council’s Strategic Environmental Assessment of the Phibsborough/Mountjoy Local Area Plan [2008] which identified and assessed the effects of a number of alternatives. This assessment included the environmental effects of the hospital at this site. These effects were part of the considerations by the public through the display and adoption associated with this process.

At a detailed site level both the masterplan required by the LAP and the site plan as well as building massing were subjected to detailed further considerations of alternatives and their

effects. Finally, the potential for environmental effects and associated mitigation measures have been evaluated and integrated into the detailed design.

It can, therefore, be demonstrated that a significant range of alternatives have been systematically and officially considered at each successive stage - policy, strategy, site selection, brief development, local area plan, master-plan, site plan and building design. It can further be demonstrated that the consideration of these alternatives was informed, authoritative, rational and took account of land-use, planning and environmental effects at appropriate stages.

In this process it is critical to note that these environmental effects were identified, assessed and adopted in the LAP as part of a statutory public process. Thus it can be concluded that official and public sanction exists for the effects arising from this project on this site at all levels from the Cabinet decision, of June 2006, to locate on this site through to the adoption of the Dublin City Council's LAP, in October 2008.

Submissions

My attention has been drawn to the following submissions and observations that appear to be relevant to my area of expertise and I have prepared responses to these that may be of assistance in the determination of this application.

Alternatives	
Party	Observations and Objections
BLEND Residents Association	The issue of 'Alternatives' is addressed in Volume 2 of the EIS at section 2 and while much of the section deals with alternative designs for the subject site scant reference is made to alternative locations. We submit that a planning assessment of alternative locations should have been included in the EIS...
Sinn Fein	Most worrying is the opinion generated by the authors of the alternative sites considered. It is a matter of great public debate whether there has indeed been "authoritative, systematic and comprehensive consideration of alternatives" (EIS NTS p5)....
New Children's Hospital Alliance	As stated at paragraph 4.1 (Introduction) of the EIS Section 2 (Alternatives) In its application for Section 37 status the applicant stated it did not intend to address alternative sites in its EIS...
	NCHA invites the Board to agree with it that the applicant has failed to discharge its obligation to assess alternatives and to deem the EIS and indeed the entire application invalid because it does not comply with the Regulations. NCHA does not accept the assertion at para. 4.2 of the EIS that its consideration of alternatives is informed I

	authoritative and rational....
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Responses to Submissions

The parties all contend that the applicant has failed to discharge its obligation to assess alternatives – particularly alternative sites. There are two matters contained within this objection. Firstly, the obligation and, secondly, the assessment.

Obligation

In relation to the obligation, the EIS at section 4.3.2 states:

Article 94 of the 2001 Regulations at Section 6, 1, (1), states that information to be contained in an EIS shall include: "An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment."

Consideration of alternatives

The EIS clearly provides a substantial description of the main alternatives that were considered by the relevant parties at all stages of the evolution of the project that is now before the Bord. Specifically the EIS provides an outline of the alternatives that were considered at each of the recommended levels, namely:

- Alternative Processes – see 4.4.1 Alternative Strategies/Processes - An outline of Considerations at a National, Strategic level
- Alternative Locations – see 4.4.2 Alternative Sites & Brief - An outline of Considerations about Site Suitability in Dublin and An outline of Considerations about the Brief
- Alternative Designs I – see 4.4.3 Alternative Local Plans - An outline of Considerations about the Planning Context
- Alternative Designs II – see 4.4.4 Alternative Masterplans - An outline of Considerations about Layouts
- Alternative Designs III - see 4.4.5 Alternative Design Development - An outline of Considerations about Building Design

Thus there is no failure to consider alternatives.

Effects taken account of

In the matter of the main alternatives studied by the developer, the EIS describes the alternatives considered by all relevant parties (prior to and after the establishment of the National Paediatric Hospital Development Board) who had a specific remit to develop a project at this site. At Section 4.6 the EIS describes issues that were considered at each stage by each party prior to the initiation of this project at this site. While at Table 4.4 an outline is provided of the main alternatives studied indicating effects that were considered at each stage.

Thus, there was consideration of effects – including medical, planning and environmental – as relevant to each stage of the consideration of alternatives.

Consideration of alternative locations

In the matter of the study of alternative sites during this process, the Joint Task Force considered six alternative locations at hospital sites⁴ and a further study of alternative sites was carried out by an independent Review Group that further examined three sites⁵ including one non-hospital site.

Thus, there is no failure to consider alternative sites.

Conclusion on Alternatives

The EIS has described an outline of the main alternatives studied by the developer and has provided an indication of the main reasons for the selected approach to strategy, policy, site selection, masterplan, brief and design, taking into account the effects on the environment and planning to a degree appropriate to each level studied.

⁴ Beaumont, Connolly, Mater, St. James, St Vincent's, the Adelaide and Meath.

⁵ Newlands Cross, Tallaght Hospital and Connolly Hospital