

**IN THE MATTER OF AN APPLICATION TO
AN BORD PLEANÁLA
FOR PERMISSION FOR**

**STRATEGIC INFRASTRUCTURE DEVELOPMENT
(THE CHILDREN'S HOSPITAL OF IRELAND)
AN BORD PLEANÁLA REFERENCE NO. PL29N.PA0024**

AND IN THE MATTER OF AN ORAL HEARING

**OVERVIEW OF PLANNING POLICY IN RESPONSE TO
THIRD PARTY SUBMISSIONS**

**Statement of Evidence of
Eamonn Kelly, MRUP, MIPI, MRTPI
Chartered Town Planner**

RPS Planning & Environment

**West Pier Business Campus
Dun Laoghaire
Co. Dublin**

**T: +353 1 488 2900
F: +353 1 283 5676
E: ireland@rpsgroup.com
W: rpsgroup.com/ireland**

18th October 2011

1.0 Qualifications and Experience

- 1.1 My name is Eamonn Kelly and I am a qualified town planner, having obtained a Masters Degree in Regional and Urban Planning from University College Dublin in 1999.
- 1.2 I am a Chartered Town Planner accredited by the Royal Town Planning Institute (RTPI) and I am currently a member of the Executive Committee of RTPI Ireland's Southern Branch. I am also a corporate member of the Irish Planning Institute.
- 1.3 I also hold a Law Degree from University College Dublin (1996), a Masters Degree in European Law from University College Dublin (1997) and I qualified as a solicitor in 2004 (currently non-practising). I was a lecturer and tutor in the Law Society of Ireland's 2010 Diploma in Environmental and Planning Law.
- 1.4 I am an Associate Director of Planning of RPS, one of Ireland's leading multi-disciplinary, all island consultancies providing Planning, Engineering, Environmental and Communications services. Previously I have been employed by Fingal County Council as an Assistant Planner in Development Control between 1999 and 2000 and by Dublin City Council as an Assistant Planner in Development Control between 2000 and 2001. I first joined RPS as a senior planning consultant in 2004. I have practiced solely as a Town Planner for over nine years.
- 1.5 My professional background includes the preparation of Planning Applications, Representations, Appeals and Site Appraisals; managing, editing and coordinating Environmental Impact Statements; Masterplan/ Urban Design Studies, Social Infrastructure Studies and socio-economic/demographic analysis for development proposals across Ireland for both public and private sector bodies. In particular, I was the planning consultant for the recent sequential planning applications for the new Mater Adult Hospital, located immediately to the north of the Children's Hospital of Ireland site on the Mater campus. These planning applications were granted permission by Dublin City Council and, as already noted, the new Mater Adult Hospital building is currently under construction. The contractor is scheduled to hand over the building to the hospital in Spring 2012.

2.0 Role in Proposed Development

- 2.1 My company, RPS, has been retained by the applicant as the planning consultant for the Children's Hospital of Ireland (CHoI) project and I wrote the planning report on behalf of RPS which accompanied the planning application to An Bord Pleanála.

3.0 Key Issues in relation to Planning Policy as raised in third party submissions - Introduction

3.1 I am presenting evidence this morning in relation to planning policy. This evidence is based upon the planning report by RPS submitted with the planning application to An Bord Pleanála (the Board).

3.2 The primary purpose of my statement of evidence is to address the submissions made to the Board by third parties, including prescribed bodies and the local authority, Dublin City Council, in respect of planning policy and, thereafter illustrate why it is my judgement that the proposed development is in accordance with provisions of National, Regional and Local Planning Policy.

3.3 Accordingly the remainder of the submission will take the following structure:

4.0 An assessment of Local Planning Policy in the context of the current proposal and having regard to third party submissions, including a review of:

- *The Dublin City Development Plan 2011 to 2017 and*
- *The Phibsborough Mountjoy Local Area Plan 2008*

5.0 An assessment of National Planning Policy having regard to third party submissions, including a review of the relevant policies of:

- *Government Policy on the Location of the National Paediatric Hospital on the Mater Site*
- *The National Development Plan 2007-2013*
- *National Spatial Strategy (2002 - 2020)*
- *Regional Planning Guidelines for the Greater Dublin Area (2010 - 2022)*

6.0 Conclusion

4.0 Specific Responses to Local Planning Policy Issues raised in Third Party Submissions to the Board

- 4.1 Where a planning policy issue has been raised by more than one submission to An Bord Pleanála the issues have been grouped together in order to allow for a single response to each issue.

Development Plan Core Strategy

- 4.2 Dublin City Council's submission notes that the Development Plan's Core Strategy supports the proposed development.
- 4.3 In response to DCC's submission, it is my opinion that the proposed location of a children's hospital of national and regional strategic importance in the inner city of Dublin on a brownfield site on Eccles Street adjacent to a well established public transport network will facilitate the regeneration and renewal of an inner city area; will support the emergence of a critical mass for the city to compete at an international level and fulfill its role as the national gateway and driver of the national economy; will support an effective public transport system; will facilitate the creation of a compact city in accordance with the National Climate Change Strategy; and will deliver an element of significant social infrastructure in the city.

Economic Policy Issues

- 4.4 Dublin City Council's Submission notes that their Development Plan supports the revitalisation of the City's economy through the intensification of innovation clusters such as the Mater Campus and specifically recognises the strategic role of the Children's Hospital of Ireland project, among other things, as a generator of significant economic benefits for the economy of Dublin's inner city. In particular, Development Plan Policies RE19 and RE20 state the following:

Policy RE19

It is the policy of Dublin City Council:

(i) *To encourage the regeneration of the city centre zoned area through the promotion and facilitation of innovation clusters and the intensification of existing clusters such as the Mater Hospital, James' Hospital and the Digital Hub. [Emphasis added]*

(ii) *To recognise the strategic role of the hospital complexes in the city including the Children's Hospital of Ireland having regard to their national medical function, their role as a major employer in the city, as a generator of significant economic benefits for the economy of Dublin's inner city, and a promoter of the knowledge economy through research and education links with third level colleges in the city. [Emphasis added]*

Policy RE20

To develop and implement specific land use and other planning policies so as to facilitate the retention and growth of existing and emerging clusters.
[Emphasis added]

- 4.5 The City Council's submission also notes that the Development Plan includes support for an 'innovation corridor' extending out from the city centre which includes economic clusters such as that at the Mater campus (refer to Section 3.2.2.2 of the Development Plan). In response to DCC's submission, in my opinion, the proposed Children's Hospital of Ireland project located at the Mater Campus will help stimulate the long term economic renewal of the City, consolidating and strengthening the role of Dublin as the main economic engine in the state and putting Dublin at the heart of the region.

Site Suitability and Overdevelopment

- 4.6 Submissions have stated that the proposed scheme does not integrate into the urban context of the area due to the volume of development proposed for the site and in this regard the proposed scheme would have a dramatic negative impact on the urban context of the area and would therefore be contrary to the provisions of the Development Plan and the Local Area Plan.
- 4.7 While responses to these issues have already been dealt with in the statements of evidence on design by OCMA/NBBJ Architects, I respond as follows having regard to policy support for the proposed development:
- 4.8 Section 4.4.1.1 of the Dublin City Development Plan 2011-2017 comprises the following objective:

***SC07** The provisions of the adopted Phibsborough / Mountjoy Local Area Plan and the Liberties Local Area Plan are incorporated into this development plan. It is an objective to secure the implementation of both these local area plans and that planning permission issues within these areas will have regard to this*

- 4.9 This is a very important provision (which certain submissions to the Board on planning policy appear to have overlooked) as it effectively means that the policies and objectives of the Phibsborough / Mountjoy Local Area Plan 2008 (the LAP) have been fully integrated into and form part of the Dublin City Development Plan.
- 4.10 This has key significance to the CHol project which is given direct and specific planning policy support in the LAP, as incorporated into the Development Plan, to "provide an appropriate quantum of floorspace in order to facilitate the development of the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance". The Development Plan/LAP also provides specific policy support for the CHol's indicative height, scale and massing.

- 4.11 In particular, the LAP, as incorporated into the Development Plan, includes the following objectives which provide clear planning policy support for the development of the CHol (otherwise known in the LAP as the National Paediatric Hospital) at the Mater Site.

Key Mixed Use Objectives [Obj MU]

The LAP seeks to promote mixed-use development in accordance with the following:

5. *Support the development of the Mater Hospital as the National Paediatric Hospital and to exploit complementary spin-off medical and related uses throughout the LAP area as a major source of local employment. (p.38)*

Key Economic Development Objectives [Obj ECO]

The LAP seeks to promote economic development and employment creation according to the following objectives:

3. *Promote the delivery of the planned National Paediatric Hospital as a major employment location in the Phibsborough / Mountjoy LAP area and to promote ancillary and associated employment opportunities in the Phibsborough / Mountjoy area. (p.40)*

Key Community Infrastructure Objectives [Obj CSI]

The LAP seeks to facilitate the enhancement of community and social infrastructure through the following:

2. *Support the development of the Mater Hospital as the National Children's Hospital to provide world class paediatric and general hospital services with a local, national and international function. (p.43)*

Key Landmark Objectives [Obj LK]

Tall landmark buildings may be appropriate in the Phibsborough/ Mountjoy LAP area subject to the following key objectives:

2. *Support the development of a cluster of taller buildings on the Mater Hospital site to assist the delivery of the National Children's Hospital. (p.55)*

Key Public Transport Objectives [Obj PT]

The LAP seeks to improve public transport through the following objectives:

1. *Support the development of Metro North with underground stations at the Mater Hospital and Drumcondra. (p. 65)*

Key Site Objectives (Mater Hospital Site)

The LAP seeks to facilitate the optimum development of the Mater Hospital site in accordance with the following:

1. *Provide an appropriate quantum of floorspace in order to facilitate the development the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance. (p. 77)*

- 4.12 The proposed development before the Board complies with all these project-specific policies as presently contained in the adopted LAP document, noting that theses

policies and objectives have been directly incorporated into the City Development Plan.

- 4.13 While it is acknowledged in the EIS submitted with the planning application that there may be some indirect adverse impacts generated by the proposed development, these impacts must be considered in the context of the significant social and economic benefits the proposal will bring to the area and must also be considered in light of the clear national policy support for the siting of the CHol at that location as well as the specific planning policy support in the LAP for a building of the approximate height, scale and form which is now before the Board for consideration.

Local Area Plan - Statutory Public Consultation

- 4.14 Having regard to the significance of the LAP to the assessment of development proposals within the defined LAP area, I would point out that the LAP was put on public display from 7th March to 22nd April 2008 inclusive in draft form and from 25th July to 22nd August 2008 inclusive (relating to modifications to the draft) prior to its adoption as a statutory planning document for the area by the elected members of Dublin City Council on 6th of October 2008. It is also noted that, prior to its adoption, a Strategic Environmental Assessment was carried out to assess the environmental impacts of the then Draft LAP's objectives and policies, noting that these policies clearly indicated the present location of the CHol proposal relative to Eccles Street and Leo Street, as well as the extent of the appropriate land use, and the urban form and building height envisaged for the Mater campus site.

Height and scale of the proposed development

- 4.15 A number of submissions have stated that the Phibsborough / Mountjoy area is not identified in any planning document as an appropriate area for high rise buildings or that the buildings on the site must not exceed 50m in height.
- 4.16 RESPONSE: I would not agree with this assertion for the following reason. Section 17.6.1 of the City Development Plan identifies Phibsborough as an area with the potential for high buildings 'up to 50 metres'. However, Section 17.6.1 states that:

Where an LAP/SDZ is approved for an area identified for height, the heights set in the relevant LAP/SDZ will be those against which planning applications are assessed. Proposals for High Buildings should be in accordance with these principles and the policies and objectives of the relevant LAP/SDZ in addition to the assessment criteria for high buildings and general development standards.

- 4.17 In this regard, the Phibsborough / Mountjoy Local Area Plan, as incorporated into the Development Plan, is the relevant policy document against which a 'High Building', such as the proposed CHol building, should be assessed in addition to the high building criteria and general development standards of the City Development Plan.
- 4.18 Section 17.6.2 of the City Development Plan also states that the definition of height for Phibsborough is up to 50 metres (up to 16 storeys of residential development or 12 storeys of office development) unless otherwise approved in a Local Area Plan. In this regard, we note that the Phibsborough Mountjoy Local Area Plan specifically provides for height of greater than 12 storeys (i.e. 12+ storeys) of hospital development on the location of the CHol proposal (see the Indicative Urban Form / Building Heights diagram on p.75 of the LAP). This is the only location identified by the Development Plan / LAP where height greater than 12 storeys of non-residential/ healthcare development (see the Indicative Site Uses diagram on p.75). is indicated.
- 4.19 The 12+ storey height designation must also be read in the context of the LAP's specific Key Site Objective for the Mater site to *"provide an appropriate quantum of floorspace in order to facilitate the development of the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance"*. The LAP's Indicative Masterplan (p. 76) also clearly indicates that the proposed east-to-west massing at the CHol site should provide for a *'landmark tall building related to overall urban form and site masterplan concept'*.
- 4.20 The LAP states at page 74 that it *"is cognisant that the redeveloped hospital site will require a significant quantum of floorspace and the plan is flexible with regard to the urban form and density of development including building height"* [Emphasis added].
- 4.21 The LAP adds at page 74 that the *"optimum form of development should emerge from a design-led masterplan approach focused on the particular character of the site and its surroundings, and the functional and operational requirements of a 21st century world class hospital"*. It is the design-led approach as set out in the statements of evidence by OCMA/NBBJ Architects yesterday that has led to the requirement of 15 storeys (plus plant) as the optimum height for the hospital, having regard to urban form in the context of the quantum of floorspace required.
- 4.22 Two other key site objectives for the Mater site, namely *"[No.] 5. Ensure that all buildings of significant height are of the highest architectural standard with landmark qualities in order for the site to function as a city wide destination"* and *"[No.] 6. Require the preparation of an assessment of citywide strategic views to accompany planning applications for buildings of significant height"* indicate that impacts on city wide views are anticipated by the LAP, as incorporated into the City Development Plan, due to the expected height of buildings on the site.
- 4.23 A number of submissions have also proposed that the development site should be characterised as a residential site with lower residential floor heights applying as a result. On this basis a number of submissions have suggested that the proposed building should be characterised as being the same height as a twenty four or twenty five storey residential building.

- 4.24 RESPONSE: I would not agree with this assertion, as the Development Plan / LAP clearly notes the established and indicative use of the site for medical uses (see p.75 of the LAP – Indicative Site Uses diagram). It is the case that medical uses such as hospitals cannot operate within the typical residential floor height of 3 metres. Rather they require the same floor heights and greater than that of comparable commercial/office floors (4 metres or greater per floor). Therefore it would be irrational to apply residential floor standard to a proposal on a site that is not only zoned for medical uses but is also designated in the Development Plan / LAP to accommodate medical uses.

Urban Form

- 4.25 Having regard to urban form, a number of submissions have stated that the height, size and shape of proposal is unsuitable having regard to adjacent 2-storey Victorian houses and the Georgian street layout which is largely composed of 3-4 storey commercial buildings
- 4.26 A number of submissions have referred to the Development Plan and LAP's general objectives that high buildings must be of the highest architectural quality and should aim to have a slenderness ratio of 3:1 or more and have regard to the existing urban form, scale and character and the built heritage of the area. The submissions then note that the proposal does not meet this slenderness ratio.
- 4.27 A number of submissions object to the scale of the CHol proposal in terms of its proximity to adjoining residential areas, citing the Z15 requirement to avoid abrupt transitions of scale between zones.
- 4.28 A number of submissions object to the proposal on the grounds that it will create significant overshadowing of dwellings on Leo Street and adjacent streets as well as overlooking/privacy issues for the same dwellings. Submissions have also referred to the negative impacts of overshadowing on the new Mater Adult Hospital to the north of the CHoi site.
- 4.29 A number of submissions have objected to the negative impact due to its height and scale on adjoining protected structures, conservation areas including the North Georgian core, the O'Connell Street Architectural Conservation Area and wider city views.
- 4.30 A number of submissions have also objected to the potential negative impacts of the proposal on the city skyline with regard to DCC's objective to seek the designation of the City's Georgian core as a UNESCO World Heritage Site.
- 4.31 RESPONSE: These issues have already been addressed in the statements of evidence of OCMA / NBBJ (or will be addressed in the statement of evidence of Paul Arnold where issues relate to Architectural Heritage). In this regard the design by OCMA/NBBJ was cognisant of the nature of adjoining developments. The CHol's

Eccles Street block has been designed to reflect the existing four storey heights on Eccles Street, and to locate the main Ward block to the centre/ rear of the site, thereby disconnecting the taller element from the local streetscape. This design is considered to be an appropriate planning response.

- 4.32 The LAP, as incorporated into the Development Plan, notes that, following the Government decision to locate the 'new National Paediatric Hospital' at the Mater Hospital, the campus site will be the subject of major redevelopment which will consolidate it as a medical facility of national and international significance. This Government decision was reconfirmed in July 2011 by the present Government.
- 4.33 The LAP/ Development Plan also importantly notes that the development brief and quantum of floor space proposed for the CHol was not finalised at the date the LAP was adopted. In this regard, Dublin City Council recognised that the development potential of the site will need to be maximised if it is to deliver a world class medical facility at this site in Dublin City.
- 4.34 The LAP/ Development Plan vision for the Mater campus site is to develop a permeable campus environment which integrates within the emerging wider urban structure. The LAP/ Development Plan importantly notes that the redeveloped hospital site will "require a significant quantum of floor space and the plan is flexible with regard to the urban form and density of development including building height" (p. 74 of the LAP document)
- 4.35 As is apparent from the LAP/ Development Plan diagrams below (Figures 1 and 2), the current proposal for a Children's Hospital at that location is in accordance with the proposed indicative urban structure and indicative masterplan for the Mater campus at the site of the proposed CHol, subject to the design process for the building, as described in the witness statements by OCMA/NBBJ Architects and in the Architectural Design Statement and the EIS Alternatives Chapter, which took due regard to the established historic character of the adjoining buildings and the effect of development proposals on the local microclimate, views and the skyline of the city.
- 4.36 The location of the CHol development occupies the approximate location scale and massing identified in both Figures 1 and 2 which, as indicated in Figure 1, can contain buildings of 6 to 12 storeys and 12+ storeys. Additionally, future proposals for the Metro station within the site, as required by the LAP, have been facilitated within the proposal. This has been explored in greater detail in Sections 4.1.3 and 4.2.4 of the site Masterplan, which is taken as read.

INDICATIVE URBAN FORM/ BUILDING HEIGHTS

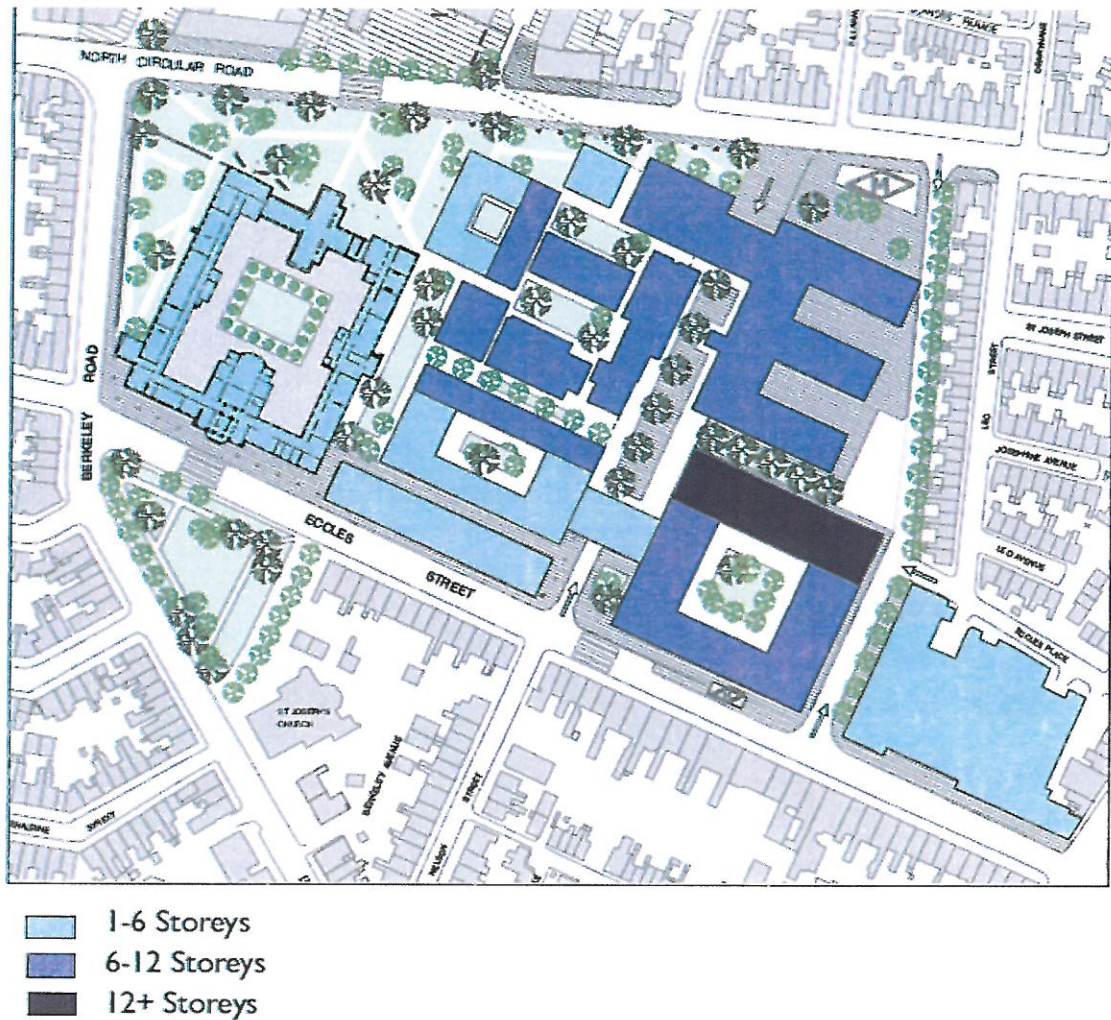


Figure 1: Indicative Urban Form / Building Heights

Extract from Phibsborough / Mountjoy Local Area Plan (October 2008)

- page 75

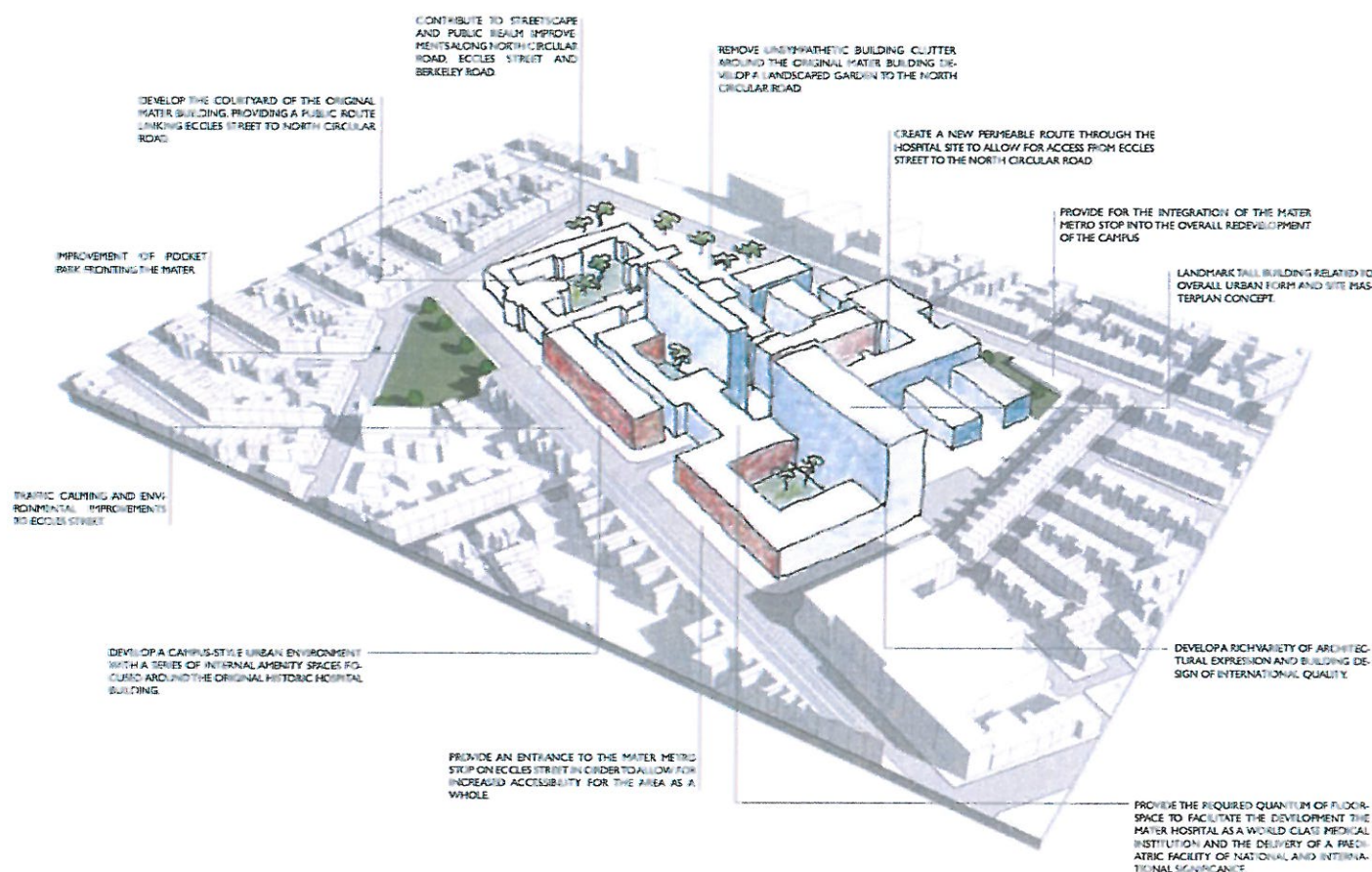


Figure 2: Indicative Masterplan

Extract from Phibsborough / Mountjoy Local Area Plan (October 2008)
- page 76

- 4.37 On this basis, the general criteria listed above in the submissions to the Board should not be read in isolation from the specific Indicative Urban Form and Building Heights for the CHOI site and the Key Site Objective for the Mater site to “*provide an appropriate quantum of floorspace in order to facilitate the development the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance*” as specified in the LAP (p. 75). The height and elongated urban form of the proposed development, as distinctly specified in the LAP Indicative Urban Form and Building Heights diagram and Indicative Masterplan diagram, are the consequence of providing the appropriate facility and having due regard to the design provisions of the City Development Plan / LAP.
- 4.38 The Development Plan / LAP recognises that the requirement to deliver a world class medical facility on the site will result in a “*significant intensification of use and density, with associated height increases*”. The ‘12+’ storey designation at the Mater campus is the only such designation in the entire LAP area and the statutory document acknowledges the fact that, having regard to the volume required to facilitate the optimum hospital design, the final building height would be determined by the design-led approach. However, the LAP clearly envisages that the height of

the building in this particular area would exceed 12 storeys In this regard, O'Connell Mahon/NBBJ Architects, in their statement's of evidence, have set out how the optimum design of the children's hospital on this site is achieved in accordance with the 12+ storey site designation.

- 4.39 The LAP at page 56 seeks *'to encourage design of the highest quality which demonstrates a clear rationale and continuity in design choices in respect of height and scale, materials and finishes, fenestration and roof form'*. The LAP also notes at page 56 that *'good design is not just about appearances it is about the purpose a building serves... about how its mass and form relate to its urban context and how its architectural language and details contribute to quality...'*. A successful alignment of high quality architectural form together with the stated Government policy to deliver the NPH/CHoI at the Mater site, both of which are specifically alluded to in the LAP, will therefore be a material consideration for the Board in determining the planning application..
- 4.40 The current planning application proposal for a Children's Hospital is in line with the Development Plan / LAP's planning policies relating to the proposed use for the site as well as the indicative urban form and building height for the Mater site. The specific residual impacts on residential amenities, architectural heritage and citywide views, which has resulted from the final design solution as set out in the Architectural Design Statement are fully assessed in the EIS accompanying this planning application. The design-led approach as advocated in the statutory LAP, as incorporated into the City Development Plan, is now manifested in the scheme before An Bord Pleanála

Impacts on Residential Amenity

- 4.41 The relevant Sections of the EIS (particularly Chapters 5 and 11) indicate how the proposal will impact on adjoining residential amenities. We also refer to the Architectural Design Statement submitted with the planning application which states that *'In order to achieve the density of development required to provide the clinical requirements, and to maintain the scale of Eccles Street, the new development must achieve a height which will impact on the character of the city quarter'*.
- 4.42 The Architectural Design Statement by the project architects discusses the architectural design and quality of the proposed building and its interactions with adjoining buildings. In considering impacts of suggested building forms necessitated by the clinical design brief to contain the appropriate quantum of floorspace for the CHoI, the Design Statement notes that *'the Applicant has reviewed impacts with Messrs ARC Consulting and the impact of possible mitigation measures such as omitting two floors from the building. Messrs. ARCH Consulting Ltd. has advised that this reduction in height is unlikely to have a major material impact on the predicted sunlight impact'*.
- 4.43 The full range of environmental impacts of the proposed CHoI building, including shadowing, amenity and microclimate has been assessed by the Environmental

Impact Assessment accompanying this planning application and will be presented at this hearing by the EIS team. The EIS Alternatives Section (Chapter 4) sets out the consideration of design alternatives which were considered in settling on the final design solution for the proposal having regard to the constraints of the Development Plan and LAP as well as the particular environmental constraints of the site. The EIS has also considered the impact of the proposed building in terms of traffic impacts, visual impact on a local and city-wide scale as well as impacts on the built heritage.

} ?

Residential Amenity and Community Gain

- 4.44 It should be noted that this project will bring significant community gain to the local area, in the form of significant social/community infrastructure, namely the construction of a state-of-the-art children's hospital. In addition to the obvious clinical/social benefits of the proposed development for the area, the hospital will be a significant economic generator which could assist the overall regeneration of the area. Furthermore, the public realm on Eccles Street will visually benefit from the sympathetic four-storey Eccles Street block which will fill in / enclose a gap in the street that has been neglected for over 20 years. Additional public realm upgrades (primarily on Eccles Street) and other local benefits such as the provision of security and monitoring of the CHol site and its environs will be of benefit to the area. The CHol's proposed active street frontage onto Eccles Street will help revitalize the immediate area and will also enhance the passive security of the street and local area.
- 4.45 In addition, the applicant is also proposing the establishment of a community gain fund for the specific benefit of the local area, which is to be administered by the City Council with input from a Community Liaison Committee, which will be set up as part of this project. The applicant has also indicated its support for a local employment clause for the construction stage of the project. Full details of all the specific Community Gain proposals will be detailed in the presentation on Community Gain by others on behalf of the applicant to this Hearing.
- 4.46 In accordance with the statutory provisions which allow the imposition of 'Community Gain' conditions (as per Section 37G7 of the Planning & Development Acts 2000 to 2011), I am of the opinion that the anticipated community gains should be taken into account by the Board when assessing the impacts of the proposed development.

Monitoring Committee/ Community Liaison

- 4.47 Dublin City Council has submitted:

That a monitoring committee comprising local councillors, residents, City Council officials and hospital management be established for the duration of the construction period. Terms of reference to be agreed.

4.48 The applicant fully supports the establishment of such a monitoring committee.

4.49 It is also submitted by Dublin City Council:

That post construction, a community liaison office be appointed by the hospital operator.

4.50 Please refer to the submission to this Hearing on Community Gain by others for further details.

Architectural Heritage

4.51 While issues relating to Architectural Heritage, in terms of design responses relative to likely indirect impacts on Architectural Heritage and citywide views has been addressed in the witness statements of OCMA/NBBJ Architects, it is worth noting, having due regard to planning policy relevant to this issue, that every effort was made in the design of the proposal to respect, preserve and enhance the Georgian heritage of the area having regard to the medical design brief for the hospital and the indicative Urban Form and Building Height permitted by the Local Area Plan / City Development Plan. Full details of all design proposals, which were specifically made to respect and enhance the Georgian Heritage of the area, such as the proposal to retain a four storey maximum block onto Eccles Street, were addressed in the presentation by the project architects OCMA/NBBJ to this Hearing.

4.52 As stated above, two key site objectives in the LAP for the Mater site, namely "5. *Ensure that all buildings of significant height are of the highest architectural standard with landmark qualities in order for the site to function as a city wide destination*" and "6. *Require the preparation of an assessment of citywide strategic views to accompany planning applications for buildings of significant height*" indicate that impacts on city wide views are anticipated by the LAP due to the expected height of buildings on the site. This is to be taken into account in deciding the significance of general planning policies against more specific policies and objectives in the Development Plan / LAP which provide stated policy support for the significant strategic CHol project at the Mater site.

Development Plan Zoning Objectives

4.53 A number of submissions state that the proposed development contravenes the relevant zoning provisions for the site, particularly the requirement to avoid abrupt transitions in scale with adjoining land uses.

4.54 RESPONSE: I note that the development site, which is currently occupied by the existing Mater Misericordiae University Hospital buildings and surface car park, is zoned Z15 in the City Development Plan. The objective attached to this zone is: -

"To provide for institutional, educational, recreational, community, green infrastructure, and health uses"

4.55 The Development Plan states that Z15 areas are:

"areas which are zoned for educational, recreational community and health uses and for existing uses which are unlikely to change in the future. The present uses on the land generally include community related development including schools and colleges, residential healthcare institutions, e.g. hospitals, prisons."

4.56 The proposed development complies with this.



Figure 3:
Excerpt from Map E of the Dublin City Development Plan 2011 to 2017

Indicative land use zoning of the area surrounding the Mater campus

Mater campus:	Z15: To provide for institutional, educational, recreational, community, green infrastructure, and health uses.
Leo Street	Z1: To protect, provide and improve residential amenities
Berkeley Road	Z2: To protect and/or improve the amenities of residential conservation areas
Phibsborough	Z4: To provide for and improve mixed-services facilities
Eccles Street	Z8: To protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective
Triangular Park	Z9: To preserve, provide and improve recreational amenity and open space and green networks.
Mountjoy Prison	Z10: To consolidate and facilitate the development of inner city and inner suburban sites for mixed-use development of which office, retail and residential would be the predominant uses.

4.57 The Z15 zoning designation reflects the longstanding and ongoing hospital use at the Mater campus, which has included numerous hospital developments, expansions and upgrades over the last century and a half, including the construction of the original granite Mater Hospital Building on Eccles street, as well as the more recent 1980's additions, the separate Mater Private Hospital (also 1980's) and the new ten storey Mater Adult Hospital Building facing onto the North Circular Road (currently under construction, Reg. Ref. 2080/08). It is noted that planning permission has previously been granted by Dublin City Council (Reg. Ref. 4929/03) for a smaller children's hospital at the approximate location of the current CHol site.

4.58 The Development Plan states that land uses which are 'Permissible' and 'Open for Consideration' in a Z15 zone are as follows:-

- **Permissible Uses**
ATM, Buildings for the health, safety and welfare of the public, Childcare facility, Community facility, Cultural/recreational building and uses, Education, Medical and related consultants, Open space, Place of public worship, Public service installation, Residential institution [Emphasis added]
- **Open for consideration**
Bed and breakfast, Car park ancillary to and subject to the main use remaining as community or institutional, Funeral Home, Guest house, Hostel, Hotel, Municipal Golf Course. [Emphasis added]

4.59 Having regard to 'Permissible Uses' in Z15 zoned lands, the proposed CHol / national paediatric hospital development at Eccles Street is permissible in principle in the Z15 zone.

4.60 The Development Plan states that Z15 zoned lands "are an important resource for the city in the achievement of a compact sustainable city with a full range of community infrastructure such as, schools, hospitals and open space, essential for the creation of vibrant neighbourhoods and a sustainable well connected city"

4.61 In this regard the CHol proposal is clearly an important civic resource not only for the city but also the country and it will help in the achievement of a compact sustainable city with a full range of community infrastructure, such as a children's hospital, which is essential for the creation of vibrant neighbourhoods and a sustainable well connected city.

- 4.62 With respect to the requirement for developments on Z15 lands to have regard to avoiding abrupt transitions of scale between land use zones, the applicant has had regard to impacts on adjacent residential development in relation to aspect, natural lighting, sunlight, layout, private open space and transitions of scale between zoning. These issues are addressed in the statements of evidence of OCMA/NBBJ Architects and were documented in the planning application's Architectural Design Statement and the various relevant Sections of the EIS, including mitigation proposed.
- 4.63 The Development Plan / LAP has clearly indicated in its Indicative Urban Form / Building Heights diagram that such a transition created by a building of 12 storeys or greater could be expected on the site of the CHol adjacent to the Z1 zoned lands to the east.

Plot Ratio and Site Coverage

- 4.64 A number of submissions suggest that the Development Plan's general Plot Ratio and Site Coverage standards should be applied to the CHol site
- 6.65 RESPONSE: In my opinion, the two issues above are erroneous in that the general plot ratio and site coverage standards referred therein do not apply to the Mater campus site.
- 4.66 The LAP document, at page 75, specifically states that a maximum plot ratio or quantum of development is not imposed on the Mater campus site, insofar as these are compatible with the overall height objectives of the LAP which would be determined by the design-led approach.

Site Permeability

- 4.67 A number of submissions seek that the main pedestrian access route through the CHol is kept open on a permanent basis, having regard to LAP policy for the site on permeability.
- 4.68 The LAP vision for the integration of the Mater campus into the area is centered on introducing permeability through the site in a series of connected open spaces and reinstating and enhancing the existing courtyard structure. This issue has been addressed in more detail in the statements of evidence by OCMA/NBBJ Architects. In this regard, it is noted that the primary objective of the Development Plan/LAP for the site is to provide the national children's hospital on the site and to this end permeability among hospital users on the site will be achieved.

Open Space requirements

4.69 Submissions have drawn attention to the lack of available open space at ground level for use as gardens for the patients

4.70 RESPONSE: The Development Plan's Z15 zoning objective requires that 25% of Z15 sites are to be set aside for open space and/or community facilities. As this entire development is a community facility, this objective has been adequately met.

Definition of ?

check!

Traffic and parking

4.71 Submissions have drawn attention to the possibility of traffic congestion having a detrimental effect on the residents of the area, as well as the impact on local on-street parking. Submissions have also drawn attention to alleged difficulties for patients to access the site (for example on Croke Park match days).

4.72 These issues will be addressed in the statement of evidence on Traffic by OCSC Consulting Engineers.

Metro North

4.73 As regards the development of Metro North, the planning authority has made the following observation:

That consideration be given to the exclusion of Metro North as a planning issue should Metro North not be approved.

4.74 The provision of a Metro North station serving the hospital and surrounds in accordance with Transport 21 is also a key objective of the LAP. Notwithstanding the fact that Government Policy currently supports the provision of the Metro North project, having been granted planning consent by An Bord Pleanála in 2010, full consideration has been given in the application documentation to the possible exclusion of Metro North as a planning issue, on the abundance of caution principle, particularly having regard to the consideration of traffic impacts as considered in the EIS document. In particular the Transport Impact Assessment (TIA) submitted as part of the EIS accompanying this planning application has assessed the operation of the CHOI both with and without the permitted Metro scheme, notwithstanding its approved status, having regard to the significant existing public transport (buses routes and trains lines) in the environs of the Eccles Street Site.

?

Local Employment

4.75 Dublin City Council has made the following submission in relation to local employment:

A local employment clause should be inserted to ensure that a development of this scale will provide some gain for the local community.

- 4.76 Again, details of the applicant's support for local employment objectives are outlined in the submission to this hearing on Community Gain by others.
- 4.77 Details of the economic benefits of the CHol proposal, in terms of jobs, are contained within the Economic Impact Assessment document enclosed with the planning application pack. In addition to this, DCC specifically recognises "*the strategic role of the hospital complexes in the city including the Children's Hospital of Ireland having regard to their national medical function, their role as a major employer in the city, as a generator of significant economic benefits for the economy of Dublin's inner city, and a promoter of the knowledge economy through research and education links with third level colleges in the city*" (Policy RE19 of the City Development Plan).

Development Contributions

- 4.78 Having regard to the recommended inclusion of a Section 48 Financial Contribution condition in DCC's submission, we would refer the Inspector and the Board to Section 17.0 of the planning report which accompanied the CHol planning application. This section points out that the applicant should be exempted from the imposition of a development contribution condition, having regard to the terms of the City Council's own Section 48 Development Contribution Scheme, in light of the fact that specified elements of the proposed development will be a non-profit making community related development on behalf of a registered charity (namely the HSE).
- 4.79 In addition, also in relation to the issue of community gain, Dublin City Council has submitted:

That part of the development levy be ring fenced and used as follows:
(a) to upgrade the local drainage network within a 1km radius;
(b) be used to fund suitable community gain

- 4.80 It should be noted that the applicant has no control over what use the planning authority puts to development levies within the terms of its development levy schemes. However, as stated above, the applicant fully supports the establishment, if the Board so wishes, of a community gain fund to be administered by the City Council with advice from the Community Liaison Committee.

Construction Issues

- 4.81 Some submissions have drawn attention to the possible adverse impact of noise and traffic generated by the construction works
- 4.82 These issues will be addressed in the statement of evidence on Construction Management by OCSC Consulting Engineers.

Helipad

- 4.83 Some submissions have identified the lack of provision of a helipad as a key flaw in the planning application. Some submissions have also objected to the noise which will be generated by a helipad on the site (even though no helipad has been proposed as part of the present application before the Board).
- 4.84 This issue has already been addressed in the statement of evidence by OCMA/NBBJ Architects.

Recommendation of Dublin City Council

- 4.85 While Dublin City Council is not the deciding authority in this planning application, having regard to the Strategic Infrastructure Development provisions of the Planning & Development Act 2000, as amended, its view is still weighted with importance by the relevant legislation. In this regard, DCC has confirmed that it supports the present proposal at the Mater site, having regard to the policies in its own Development Plan/LAP, as follows.

It is the view of Planning Authority that this proposal is positive for the city, having great potential both as a driver for the social and economic regeneration of the city's North Georgian Core and being a contribution to the infrastructure of Dublin City generally.

The proposed development is supported by the National Development Plan 2007-2013, the Government decision to co-locate the National Children's Hospital of Ireland with the Mater hospital, the Core Strategy and certain policies, including Policy RE19, of the Dublin City Development Plan 2011-2017, and the provisions and key objectives, including Obj MU, Obj ECO3 and Obj CSI2, of the Phibsborough / Mountjoy Local Area Plan (LAP).

In particular, the Phibsborough / Mountjoy LAP seeks to facilitate the optimum development of the Mater Hospital site in accordance with the Key Site Objective for the Mater Hospital Key Development Site to "Provide an appropriate quantum of floorspace in order to facilitate the development the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance".

It is acknowledged that the proposed development does not conform with certain key policies and objectives of the Dublin City Development Plan and certain objectives of the Phibsborough / Mountjoy LAP which relate to the insertion of a prominent tall building in this historical context. However, as mentioned above it does comply with and is supported by the Core Strategy and other policies of the Development Plan, together with key objectives of the Local Area Plan.

4.86 In its submission, DCC importantly identifies that the proposed development has high levels of specific policy support in the National Development Plan, in the Government's policy to co-locate the National Children's Hospital of Ireland with the Mater hospital, in the Core Strategy of the City Development Plan, in specific economic policies of the City Development Plan and in key site objectives of the LAP.

4.87 DCC highlights the Key Site Objective for the Mater Hospital Key Development Site to *"Provide an appropriate quantum of floor space in order to facilitate the development the Mater Hospital as a world class medical institution and the delivery of a paediatric facility of national and international significance"*. This Key objective should be read in the context of the specific Indicative Urban Form and Building Heights recommendations for the CHOI site as also specified in the LAP.

4.88 In summarising its analysis and recommendations, DCC states the following:

The proposed development is of a dramatically different order of scale to that of developments around it and a key issue is the appearance and impact of the building's form on Dublin's skyline and on its historic setting.

Nevertheless, while it is clear that a building of this scale will impact significantly on the character of the city, this is an inevitable part of the compromise necessary to achieve development in inner urban areas and it is the Planning Authority's view that they are outweighed by the positive contributions which this scheme will make to the city centre.

4.89 In my opinion, this view explains the inclusion by DCC of the unambiguous policy support for this project in both its statutory LAP for the area and, by extension, the City Development Plan.

→ this has to be questioned as it is their main plank.

5.0 Issues Relating to National and Regional Policy

- 5.1 This section is written to address the submission of Dublin City Council which made reference to various national and regional planning policies relevant to the proposal.

Government Policy on the Location of the National Paediatric Hospital on the Mater Site

- 5.2 Dublin City Council's submission to the Board notes that the proposed CHol development is supported by the Government's decision to co-locate the National Children's Hospital of Ireland with the Mater hospital. In this regard I respond by noting that on 5th of July 2011 the Government made the decision to proceed with the Mater site as the location for the new national children's hospital following their receipt of the '*National Paediatric Hospital Independent Review*' report. This will be elaborated further in the statement of evidence by healthcare policy experts to this Hearing.

National Development Plan 2007-2013

- 5.3 Dublin City Council's submission notes that the National Development Plan (NDP) confirms that funding will be available to build a new independent national tertiary paediatric centre on a site to be made available by the Mater Hospital in Dublin. In response to this I would also like to draw the Inspector's attention to the fact that the current Government's '*Programme for Government 2011*' (11 March 2011) also confirms that '*The National Children's Hospital will be built*'.
- 5.4 The proposed CHol project before the Board will therefore help implement a significant goal of the National Development Plan.

National Spatial Strategy (2002 - 2020)

- 5.5 Dublin City Council's submission notes that the National Spatial Strategy (NSS) places "*particular emphasis on the physical consolidation of the metropolitan area, which incorporates the entire functional area of Dublin City Council. This necessitates the sustainable development of all vacant, derelict, and under-used lands with a focus on areas close to public transport corridors as well as areas of under-utilised physical and social infrastructure. There is also an emphasis in the NSS on supporting the city's capacity for employment and innovation and achieving intensification without compromising amenity or environmental quality.*"
- 5.6 In response to DCC's submission, it is my view that the proposed CHol development on an inner city brownfield site adjacent to existing hospital facilities accords with the overall approach of the NSS to planning as outlined above.

Regional Planning Guidelines for the Greater Dublin Area (2010 - 2022)

- 5.7 DCC's submission notes that the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 (RPGs) *"translates the national strategy to regional level with an emphasis on Dublin as the driver of national development and the need to physically consolidate the growth of the Metropolitan Area, with clear direction for greater integration of land-use and transport planning"*.
- 5.8 In response to this statement, I note that the CHol site is well placed in the inner city of Dublin, within reach of all major forms of public transport such as suburban rail and buses, as noted in the Traffic and Transportation Assessment Report for this proposal (as enclosed in Appendix 13a to the EIS). While support for this project is not specifically referenced in the RPGs, it is my view that the proposed CHol proposal complies with the core principle in the RPGs referenced above in that it contributes to the consolidation of the metropolitan area, whilst being well located to avail of the enhanced public transport connectivity.

6.0 Conclusion

6.1 Having regard to the above, I submit that the proposed Children's Hospital of Ireland will be an appropriate development at the Mater Hospital campus, in accordance with the provisions of the National Development Plan, and subject to compliance with the objectives of the Phibsborough / Mountjoy Local Area Plan, as incorporated into the Dublin City Development Plan, and compliance with the conditions attached by An Bord Pleanála to the permission.

6.2 Having regard to:

- (a) The objectives of Government Policy, the National Development Plan, the National Health Strategy and the requirements of the Health Service Executive to facilitate the development of a national paediatric hospital (the Children's Hospital of Ireland) at this site;
- (b) Government policy which has directed that the Mater site shall proceed as the location for the '*new national paediatric hospital*' following the recommendations of the National Paediatric Hospital Independent Review as commissioned by the Minister for Health;
- (c) The objectives and policies of the National Spatial Strategy and the Regional Planning Guidelines for the Greater Dublin Area to:
 - concentrate development in locations where it is possible to integrate employment, community services, retail and public transport;
 - encourage mixed use and well designed higher density development, particularly near town centres and public transport nodes like railway stations;
 - efficiently use land by consolidation of existing settlements, focusing in particular on development capacity within central urban areas through reuse of under utilised land and buildings as priority, rather than extending green field development;
- (d) The relevant objectives and policies of the Dublin City Development Plan, in particular the Z15 zoning of the site, for which the stated objective is '*To provide for institutional, educational, recreational, community, green infrastructure, and health uses*' and which also includes provision for the economic regeneration of the area, as well as the relevant policies and objectives of the Phibsborough / Mountjoy Local Area Plan, as expressly incorporated into the City Development Plan, which include a key site objective at the Mater site to provide the appropriate quantum of floor space in order to facilitate the delivery of a National Paediatric Hospital of national and international significance;
- (f) The urban regeneration benefits in relation to this section of the north Inner City and the need to encourage the evolving regeneration in this part of the City,

- (g) The long established and ongoing hospital use at the Mater campus, including the regular expansion and improvement of same, and the prior grant of permission by Dublin City Council for a children's hospital on the site, and the proposed continuance, expansion and enhancement of that use;
- (h) The pattern and scale of emerging hospital development in the vicinity;
- (i) The site context for the proposed Children's Hospital of Ireland as assessed in the associated site Masterplan and Environmental Impact Statement accompanying this planning application;
- (j) The scale, layout and design of the proposed development having regard to the overall Children's Hospital development project as described in the site Masterplan and as assessed by the Environmental Impact Statement; and
- (k) The high quality of design and materials of the proposed development;
- (l) The provision of significant community gain in terms of public realm improvements, economic regeneration, and the provision of a community gain fund by the applicant, notwithstanding the key community gain of providing a children's hospital of national importance at this location;

I respectfully request the Board to grant planning permission for the proposed development subject to conditions as considered appropriate.