

## Closing Statement by Valerin O'Shea on behalf of the BLEND Residents' Association

We wish to express our disappointment that no right of reply was afforded observers in the event that incorrect statements were made by the applicant. While we may refer to these in our closing statements, we are only allowed 10 minutes in which to do so, which we consider wholly inadequate. We have had to listen to statement after statement that we wished to correct throughout this hearing but could not. I'll mention but a few.

### Damage During Construction

Mr. Healy of OCSC contradicted Ms. Cadell in stating that damage was done, not to a gable wall, but to a garden wall in 2004 at No. 2 May Cottages and that the damage was not caused by augur piling. Mr. Healy was incorrect. Damage was done to the gable wall and the garden wall which were one single construction. This is confirmed by minutes of a meeting on 30th August. Subsequently there was further disintegration of the gable.

In light of this, the Board will understand that we have no faith in the assurances given by OCSC. The vulnerability of older buildings is evident in the Berkeley Road incident mentioned in Miss Cadell's statement on Nov 1st., and supported by the fact that the entire gable wall of No 47 St. Joseph's Place, was destroyed by DCC's use of machinery on the road outside in 1999.

It is clear that buildings in the area, including Leo Street, are very vulnerable when exposed to aggressive, modern building techniques like augur pile driving. Copies of the minutes of the meetings, showing that Mr. Healy's statement was incorrect will be made available to the Board.

### ASSESSMENT OF ALTERNATIVES

Many observers have contended that the failure to adequately assess alternatives renders the application invalid. Mr. de Freine stated that the assessment of the sites was "*meticulous and orderly*" that they received "*detailed submissions from all the hospitals*" and that all were fully considered.

No evidence whatsoever has been put before this hearing to substantiate that assertion, either regarding the meticulous assessment or the detailed submissions.

We suggest that an indication of the perfunctory nature of the assessment undertaken by the Joint Task Group is evident in the fact that not even elementary calculations were done on the figures presented in relation to the capacity of development on the Mater site which was chosen as the optimum. The result was a gross miscalculation that resulted in this planning application for 108,356sq.m on a section of the site indicated in

the Mater Clarification document to have a maximum capacity of 72,000sq.m. Additionally, the area (2ha) stated to have the 72,000sq.m capacity was thought big enough by the Joint Task Group to accommodate not only a new Children's Hospital with up to 90,000sq.m, but a maternity hospital of at least 25,000sq.m as well. Meticulous this was not. Perfunctory, if not slipshod, seems more apt.

## CONFLICT WITH STATUTORY DOCUMENTS

Mr. O'Donnell repeatedly indicated that the proposal was "*entirely consistent with the Plan*", Mr. Mahon stated that: "*the form of the building is directly in response to what is set out in the LAP*". These contentions are incorrect.

It is worth looking at the kind of building the Children's Hospital would be if it were consistent with the Plan. **Non-negotiable** Key Objective LK3 of the LAP requires a slenderness ratio of 3:1 and a max. height of 50m. The building then would be no more than 17m wide. At c.170m wide, the current application is approx. TEN times wider than the LAP provides for and at 74m high it is approx. 50% higher than the LAP provides for. It is also worth considering how much the volume of development proposed exceeds that contemplated in the LAP for any landmark building - if the proposed volume of development were accommodated in a building complying with the slenderness ratio it would be well in excess of 150m high - into the 'super high-rise' category which is not envisaged in any policy document for Dublin.

This brings us to the scale of development for the maternity hospital. The size of the site is 0.34ha. The volume of development anticipated is at least 25,000sq.m. This quantum of floorspace on this tiny site is even more intense than the Children's Hospital and rather than being accommodated in a building of 12 storeys as indicated by the applicant, we estimate that it could not be accommodated in a building less than 20 storeys high (even that won't provide satisfactory separation distance between the buildings at ground level). This of course would be in direct conflict with the LAP - there was no suggestion of a high building on this area of the site. In fact, the area of the site now identified for a maternity hospital is shown on the plan at pg.75 of the LAP as accommodating 6-12 storey buildings on a very small section of the site, a further section is to have buildings of between 1-6 storeys and about 50% of the site was to have no buildings at all - it was to be landscaped open space. While the maternity hospital does not form part of this application, the area of the site has been left free of development specifically to accommodate the maternity hospital. It couldn't be clearer that, contrary to Mr. O'Donnell's repeated assertions, the current proposal, and what it provides for in the future, are entirely inconsistent with the Plan.

No evidence was presented of consultation by the Joint Task Group with independent planners but repeated reference has been made to consultation with DCC planners and, as outlined in our statement, remarkably, the

advice given was in direct conflict with the Development Plan. If the applicant did not intend consulting independent Town Planners, did no-one even think to read the Development Plan?

Senior Planner Mr. Fallon argued at the hearing that there are exceptional provisions in the LAP regarding the Mater site. We do not agree. What does seem exceptional is the advice given to the applicant and others by DCC that there was no height limit on the site, despite the fact that under the very same Development Plan they admitted that the high rise building proposed for Ballsbridge was a material contravention. In relation to height, Mr Kennedy for the applicant told this hearing that the LAP is not prescriptive in relation to the site - that the "*50m cap does not apply*". This statement is incorrect. The LAP is, indeed, prescriptive – what's permitted is clear – a tall building with a slenderness ratio of minimum 3:1 and maximum height of 50m.

In this regard we are pleased that the solicitor for the applicant agrees with us that the correct interpretation of the statutory planning documents is the interpretation deduced by the ordinary member of the public. We also wish to remind the Board that Cllr. Emer Costello and Mr. Joe Costello T.D. confirmed yesterday that the interpretation of the LAP put forth at this hearing by us is the correct one. Since the City Councillors were ultimately responsible for making the LAP in 2008 and the Development Plan in 2010 we cannot doubt Cllr. Costello's interpretation particularly since, being a local Councillor, she was intimately involved with the entire LAP process.

## TRAFFIC

While the biggest, and insurmountable, problem with the site is that it is too small, the other major difficulty in planning terms is that of access. One would be forgiven for thinking that the statement on pg.32 of the DCC submission lodged Sept 9<sup>th</sup> that: "*The site is located in one of the most accessible locations in the city, if not the country*" was a joke, particularly since in the previous paragraph they also state: "*the existing road network surrounding the Mater site is at present heavily congested during peak periods*". We have not heard anything during this hearing that would in any way allay our fears with regard to the inevitable enormous increase in traffic that would result from the proposed development.

Mr. Horan failed to address the point that significant staff car parking space is being provided on nearby derelict sites, indicating that the traffic problems on Eccles Street are not due to the displacement of the old, on-surface car park.

## Building Too Small

When I said in our statement that the building would be too small in 15 years I was told by Mr. Mahon that I was wrong and that the building was adequate to provide for the projected needs until 2030. He's correct – I was

wrong – I was basing my calculations on the statement made in the Mater Response to the Task Group Brief at pg.33 that: “*The overall construction programme for the site can commence in 2006 and the Children’s Hospital be substantially completed in four years.*” Given that we’re in 2011, I estimated that would leave 15 years after completion. But actually it would not be ready to start until sometime in 2012 at the very earliest given the enormous funding difficulty – so 14 or fewer years would actually have been more accurate.

What kind of insanity would it be to grant permission for a National Children’s Hospital on a site with NO room for expansion in the full knowledge that in 14 years time the building will have insufficient accommodation to meet the stated needs. But it’s even worse – on that same exceedingly congested site with NO room for expansion we would have 4 other hospital buildings (Original Mater hospital, new Adult Hospital, Phase 1A building and a maternity hospital) that would also have NO potential to expand.

Contrary to Mr. O’Donnell’s view, we submit that it is indeed appropriate and proper for An Bord Pleanala to consider a Government policy and deem it to not be reasonable, most particularly when observance of such a policy would ipso facto mean the failure to observe all other Government policy as it relates to proper and sustainable development.

Sitting here making the argument seems surreal – the proposal is preposterous. We are outraged that we have to be the ones arguing for the proper planning and protection of our city. That job is supposed to be done for us by DCC officials. It is absolutely inexplicable that, rather than opposing this proposal because it flagrantly conflicts with policies and objectives of the relevant statutory documents and is clearly unsustainable, DCC is strongly supporting it.

It beggars belief.