



An Bord Pleanála Oral Hearing regarding application under *Planning and Development (Strategic Infrastructure) Act 2006* for the

**Proposed National Paediatric Hospital**

at Eccles Street, Dublin 7

Final Submission of Colm Murray, Architecture Officer, The Heritage Council

3<sup>rd</sup> November 2011

**1. 'Proper planning and sustainable development'**

The Board is a creature of the Planning and Development Acts 2000 – 2010, the 88<sup>th</sup> planning authority, and therefore bound by their provisions and purpose. The overarching imperative of these acts is *'to achieve the proper planning and sustainable development'* of the country. The Board is not obliged to accept that this is 'written in stone' in any Development Plan or Local Area Plan – the Board may approach this objective with a fresh mind. It must, however, take into account government policy. In this case there are two government policies that appear to be in conflict with each other – the provision of appropriate medical facilities and the achievement of World Heritage Status for Dublin.

**2. Dublin as a candidate World Heritage Site**

Every effort should be made to not compromise Dublin's opportunity to become recognised as a World Heritage Site. Wherever the boundary may be drawn, there will be a buffer zone beyond it, and beyond that again, there will be a setting. The proposed development in this location is inevitably going to have an impact on that application.

UNESCO is putting in place policy to combat intrusive large buildings in Historic Urban Landscapes in the form of *Recommendation on the Conservation of the Historic Urban Landscape*. If past decisions

for other cities can be characterised as permissive of such intrusions, this will not be the case in the future. Social, cultural and economic benefits will flow from such a designation, if it is successful.

### **3 Strategic Environmental Assessment**

The Board, as a creature of the Planning Acts, is also obliged to comply with the Strategic Environmental Assessment Directive and implementing regulations in Ireland. Strategic Infrastructure should be considered for its strategic environmental impact. The assessments of this project have not been permitted to examine meaningful environmental impact options. EU legislation and guidance suggests that this is a requirement. If the Health Services Executive and Department of Health and Children took environmental considerations into account in coming to their decision on location in March 2006, there is no evidence that this is so before the Board, either in the EIS or in any of the statements made.

In a High Court judicial review relating to Strategic Environmental Assessment, Mr. Justice Brian McGovern, on 17<sup>th</sup> June 2009 (Farrell & Forde v Limerick County Council) judged that a decision was invalid because the decision-makers did not have an Environmental Report before them when purportedly making a decision that would have had environmental implications.

If the Board can identify a means of satisfying the intent of the directive by a Board Direction it may see fit to issue, this may, ultimately, create the grounds for making a legally-secure decision. The retro-triggering of Strategic Environmental Assessment as a result of the Environmental Impact Assessment of a project has been foreseen in reports on the implementation of the SEA Directive. Such a course of action would be in the best interests of securing government policy regarding both the heritage of the city of Dublin and the medical imperatives regarding the provision of a tertiary children's hospital.

### **4 Cumulative and synergistic effects**

There are conflicting views about the 'regeneration' of the North Inner City. The residents of Leo Street, O'Connell Avenue or Mountjoy Street don't feel that their city needs to be regenerated. These are thriving residential areas whose amenity is threatened by this development and the socio-economic processes that it will entail. Unforeseen undesirable impacts include owner-occupiers moving out and short-term tenants taking their place, and houses being turned into offices. They include streets becoming less livable because offices have taken over and they are deserted at night. They include feeling the need to turn on the electric lights because there's less sky to be seen.

It has emerged in the course of this hearing that this development will entail a future application for helicopter access, a genetic medicine facility. Future developments in the provision of hospital services may not be accommodated within the envelope of the building and have spill-over effects in the area, as there is limited scope for expansion set out in the master plan. There are questions about traffic.

Whilst the City Council may consider spin-off development to be a beneficial consequence of the project, this has implications for people who live in the area, and who, through their lifestyles and care for their environment, have made this bit of Dublin something that they, at least, consider to be a good environment. Council's submission has made the point that these spill-over effects could have negative implications for the on-going management of the historic urban landscape of Dublin.

## **5 The architectural quality of the proposed development**

Council requests that the Board consider the question "Is this building worthy to become a dominant image of Dublin and its urban skyline?" Architectural evaluations do change over time; in the case of Housing at Darndale, the architectural opinion changed from good to poor. The tower blocks of Ballymun were seen as the quintessence of modernism when they were built in the mid-60s, but have since proven to be dysfunctional, and have been demolished. Rash architectural judgements, made early, can be wrong. Council requests that the Board give weight in the planning decision to the impact of the proposed development on the 'harmoniousness' of the city as an artefact in itself.

## **6 Management of change in the city**

The Heritage Council is not against change; on the contrary, in our submission to the Board, we have indicated the way we foresee desirable change occurring. The landscape approach to heritage management does not seek to 'preserve' anything, but which seeks to give life to traditions and long-lasting qualities by ensuring their relevance into the future. The management of the heritage values of a place emphasises their multiplicity of values, and seeks to conserve them all. This is usually served by change which is considered and cautious.

## **Conclusion**

If built as proposed, this scheme will have a significant negative impact on the historic urban landscape of the city of Dublin. It will dramatically alter the existing character of the city and this impact will be experienced from close and far. And such an impact will persist for a very long time. This is no Liberty Hall, indeed it bears no similarity to other notable high buildings permitted in recent years, e.g. the U2 tower or the Heuston Gate towers. Its proportions and scale deviate from all current international practice for height in historic urban contexts.