



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

Statement of Colm Murray, Architecture Officer, The Heritage Council

28th October 2011

Role and Experience

I have a Bachelor of Architecture qualification, a Masters of Urban and Building Conservation (MUBC), and a Master of Arts in Town and Country Planning, and today represent the Heritage Council in this matter. The authority given to me extends from the Heritage Council meeting on 5th October 2011 and subsequent direction given to me by Council's Chief Executive, Michael Starrett. The Heritage Council is a body corporate established under the Heritage Act 1995, with a specific responsibility to propose policies and priorities for the national heritage.

I am a conservation architect working as the Architecture Officer of the Heritage Council for the last 6 ½ years, with the role of advocacy for all forms of heritage and, specifically, the architectural heritage. This entails supervision of grant-aided conservation projects on historic buildings, including many Dublin churches and other buildings. It also involves the promotion of 'Conservation Planning', a methodology for documenting and protecting the cultural value of places, through careful study of the qualities a place may have, stakeholder consultation to negotiate and agree those values and policy formulation to protect them. My role also involves me in the management of Rothe House, a medieval house in Kilkenny, which is being presented to the public. Recent policy work includes advocating policy on curtilage, setting and the management of landscapes.

Previously I have worked as a conservation architect with the National Monuments Service of the Office of Public Works, and as an architectural advisor with the former Dúchas, the Heritage Service. In that role, I prepared the early draft of the *Architectural Heritage Protection Guidelines for Planning Authorities*.

I am currently a member of the Department of the Arts, Heritage and the Gaeltacht Expert Advisory Committee on the review of Part IV of the Planning and Development Acts (the provisions regarding the architectural heritage). I have taken part in a review of the effectiveness of Strategic Environmental Assessment organised by the EPA in June of this year.

I am an occasional tutor for urban studies with the MUBC Course at UCD, Dublin, I give lectures on planning and heritage in the School of Planning at UCD, and lectures on conservation to undergraduate students of architecture at UCD and the Waterford Institute of Technology.

I am a member of ICOMOS Ireland (the International Council for Monuments and Sites), participating in committees on Climate Change, Historic Urban Landscape and Training and Education. ICOMOS, an international Non-Governmental Organisation, has close links with UNESCO (United Nations Educational, Scientific and Cultural Organisation), supporting its work with professional advice and critical commentary.

The role of The Heritage Council in policy advocacy generally, and as a prescribed body under the Planning Acts in particular, gives me a mandate and I have Council's authority to comment as an expert witness, and in addition, as an advocate for heritage. Council in published guidance on the 'Heritage Appraisal of Development Plans', in 2000, in anticipation of the implementation of the Strategic Environmental Assessment Directive. In my comments following, I will provide an expert evaluation of the proposed development and will then set out the implications of this evaluation. I will finally advocate a particular approach to analysing the planning problem to propose a particular course of action.

Submission made

The submission made by the Heritage Council dated 13th September 2011 referred to

- (1) the appropriateness of the scale of the development brief to the site, that is, the planning arguments relating to form, extent and massing,
- (2) the quality of the architectural articulation of the building mass ("Is this building worthy to become a dominant image of Dublin and its urban skyline?"),
- (3) the impact on (a) the historic urban landscape¹ of Dublin, considered as a candidate World Heritage Site, and (b) designated heritage assets, and
- (4) the indirect but consequential impact on the economic functioning of the district.

It is noteworthy that Shane O'Toole, in his architectural assessment of the proposed development, accepts these as the four main architectural issues relating to the development.

The case developed

¹ 'The historic urban landscape is the urban area understood as the result of a historic layering of cultural and natural values and attributes, extending beyond the notion of "historic centre" or "ensemble" to include the broader urban context and its geographical setting'. (UNESCO, Intergovernmental Meeting of Experts related to a Draft Recommendation on the Conservation of the Historic Urban Landscape, 27th May 2011, para. 8)

1 The appropriateness of the scale of the development brief to the site, that is, the planning arguments relating to form, extent and massing

It is clear that planning policy for this site envisaged a large-scale building since the decision was taken by the Department of Health in May 2006 to locate a children's hospital here. The 2003 permission (4929/03), with its floor area of 77,000 sq. m., including children's facilities of 30,000 sq. m., indicates that there was broad agreement that a significant quantum of development could optimally be located on the site. (The proposed development being considered here is significantly larger at 108,356 sq.m).

The 2008 LAP for the area reflected this:

The development brief and quantum of floorspace proposed has not been finalised to date. However, Dublin City Council recognise that this facility will require the development potential of the site to be maximised if it is to deliver a world class medical facility, serviced by an underground metro station.

(Dublin City Council, Phibsborough Mountjoy Local Area Plan, 2008, p. 74)

Further objectives set out that a This objective for the site must be read in conjunction with a series of qualifying policies for the site:

'6 Require the preparation of an assessment of citywide strategic views to accompany planning applications for buildings of significant height. ...

8. Ensure the preservation of the amenity of adjoining residences, business and conservation buildings with regard to such issues as overshadowing, light spillage and noise'. (p.77)

'... the optimum form of the development will take due regard to the established historic character of the adjoining buildings and the plan will be considered within the context of ... effects of the proposal on ... views and the skyline of the city.

Every effort must be made to ensure that increases in height will not have any negative overshadowing effects on adjoining properties or impact negatively on the settings of the protected structures both on the site and its periphery'. (p.75)

(Dublin City Council, Phibsborough Mountjoy Local Area Plan, 2008, p. 74)

Furthermore, Key Building Height Objectives policies for the area generally qualify the policy:

'3 Provide a site specific site analysis and masterplan which demonstrate that the bulk and scale of development can be accommodated without causing undue impacts on existing or proposed proximate buildings.

4. Plan for the height of new buildings to create a cohesive urban structure and a quality public realm, with average height to width ratios of 1:1 or greater.

5. Ensure redevelopment sites adjoining established residential development provides building height and adequate setbacks to ensure the protection of established residential amenity.

6. *Ensure the height impact of new development does not have a detrimental effect on local microclimate, within or adjoining the development site, either by inhibiting sunlight penetration or causing wind tunnelling.*

7. *Ensure that the height of new development responds to the receiving environment and make a positive contribution to the character of the area and a contribution to quality of life and regeneration of Phibsborough / Mountjoy generally.*

8. *Ensure that the height and massing of proposed new development does not impact negatively on the sustainable conservation of protected structures and the social and historic heritage of the area.'*

(Dublin City Council, Phibsborough Mountjoy Local Area Plan, 2008, p. 55)

'Maximising the development potential of the site' (a standard planning ethic, especially in relation to brown-field sites) must not be interpreted as meaning that there is no limit on the amount of development that may be accommodated. Nor should it mean that the client's brief for the site is a more important planning consideration than the proper planning and development of the area. Permission to develop will always be required in accordance with the Planning and Development Acts, and subject to the relevant national, regional and local spatial planning policy for the area, and the overarching objective of each and every planning decision to achieve 'proper planning and sustainable development'.

All of the arguments in favour of the scale of the proposed development have their origin in meeting the medical requirements of the client's brief. Whilst respecting the validity of the functional requirements of the brief, co-location, etc, it is essential that the emerging project be subjected to critical analysis related to their environmental impact on the location for which they are proposed. There may not be a proper fit between the brief and the suggested location. The 'shoe-horning' of the quantum of accommodation onto the land available may have unacceptable environmental consequences. The medical requirements may modify over time, but the proposed building to house them represents a more-or-less permanent modification of the environment, and a spatial and economic investment. In this context, the fate of Ireland's mid twentieth-century hospitals – architectural symbols in their time of the material and social progress - is noteworthy in this regard, many of them transformed by new spatial or technical requirements, or redundant.

How did the issue of the scale of development and its impact on location emerge?

To 'plan', in the ordinary meaning of the term, means to anticipate consequences, to set out an orderly, agreed set of actions to achieve an objective. EU Directives and national legislation and regulation have provided instruments and processes by which such conflict might be avoided or resolved. The Strategic Environmental Assessment directive² seeks to *'provide for a high level of*

² Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment, transposed into Irish regulation by two Statutory Instruments: EUROPEAN COMMUNITIES (ENVIRONMENTAL ASSESSMENT OF CERTAIN PLANS AND PROGRAMMES) REGULATIONS (S.I.

protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes³ with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.’ (Article 1, Objectives).

The Heritage Council, in its 2000 publication *‘Heritage Appraisal of Development Plans – A Methodology for Planning Authorities’*, led the introduction of strategic appraisal techniques in Irish planning practice. (These guidelines are referred to in the Department of the Environment, Heritage and Local Government’s 2004 planning guidelines on this topic). Since Strategic Environmental Assessment was integrated in to statutory planning practice in July 2004, its procedures have been well enough implemented within the planning process. However, in this instance, conflict regarding the impact of the proposed development has resulted from the May 2006 decision of government to choose a particular location for a particular building; this decision, due to the large-scale size of the programme, has the potential to have spatial and environmental effects. The Directive requires that the *‘effects of implementing plans or programmes are taken onto account during their preparation and before their adoption’* (Strategic Environmental Assessment Directive, Preamble, para. (4)) However, this ‘plan’ to locate a function at a particular location, adopted by a national authority (the Department of Health), which is ‘required by ... administrative provision’ (to provide a proper health service), has not been strategically assessed for its environmental impacts in accordance with the European Regulations. The discourse at this planning hearing is, for the most part, the result of the contested spatial consequences of that decision, and its environmental implications, broadly speaking.

The Strategic Environmental Assessment directive and Irish implementing regulations for both SEA and EIA, place emphasis on the examination of alternatives to a ‘programme’, or a development proposal. According to the Department of the Environment, Heritage and Local Government guidelines, the SEA directive *‘... should lead to more sustainable development through the systematic appraisal of policy options⁴*. The alternatives must be considered before the decision to adopt a programme is made.

The major dimensions of conflict relating to this proposal result from the failure of the Department of Health and Children to carry out a Strategic Environmental Assessment of the proposal, which has clear spatial, and, because of the scale of the brief, environmental, implications, during the course of their deliberations leading up to the May 2006 decision.

Thereafter, the uncertainty about the quantum of space needed for the children’s hospital and related facilities led to the open-ended nature of the 2008 LAP policy provision (quoted above).

No. 435 of 2004), and PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2004 (S.I. No. 436 of 2004).

³ *‘For the purposes of this Directive:*

(a) ‘plans and programmes’ shall mean plans and programmes ... as well as any modifications to them:

— which are subject to preparation and/or adoption by an authority at national, regional or local level ..., and

— which are required by ... administrative provisions’ (Directive 2001/42/EC , Article 2, Definitions)

⁴*Implementation of SEA Directive (2001/42/EC):Assessment of the Effects of Certain Plans and Programmes on the Environment Guidelines for Regional Authorities and Planning Authorities, DoEHLG, November 2004,.*

Compounding the systemic failure to foresee major impacts, this made it virtually impossible to properly evaluate the effects of the tri-location programme on the environment.

Insofar as it did so, the Environmental Report on the 2008 LAP highlighted 'Potential' or 'Probable' conflict in relation to 9 of the 12 Strategic Environmental Objectives. Section 6 of the Environmental Report deals with the description of alternative plan scenarios. It states:

'...the Mater Hospital is proposed to be redeveloped as the national Children's Hospital ... Accordingly, as the development of this site is a national policy objective, in all three scenarios the future development of the site remains unchanged' (p. 52)

It could not be clearer that the prior decision of Government prevented the generation of alternative to this LAP objective for the purpose of Strategic Environmental Assessment.

In summary, for the following three reasons the policy relating to the scale of the hospital in the LAP,

- (a) No scope to consider an alternative location
- (b) The open-ended nature of the policy relating to the scale of the hospital in the LAP, and
- (c) Process failure to recognize the highlighted negative assessment of the impact of the particular as

the Environmental Report for

The Strategic Environmental Assessment of the policy relating to the scale of the hospital in Phibsborough / Mountjoy LAP cannot be relied upon as a valid consideration of alternatives for the purposes of environmental assessment.

Clare White on page 13 of her submission has asserted that the LAP described a quantum of space *'in the region of 106,000 sq.m.'* The diagram on page 75 of the LAP (acknowledging that it is indicative only), represents only 93,380 sq.m. above ground. The difference between this and the above-ground floor area of the proposed hospital at 108,356 sq.m. is approximately 15,000 sq.m., that is, the equivalent of 100 generous houses each with a floor area of 150 sq.m. This is a quantum of extra space that was not anticipated when the Environmental Report for the SEA was carried out.

The failure to generate and evaluate alternatives within the spatial planning process, if it is not a fatal legal flaw in the decision-making process, places greater emphasis on the consideration of alternatives within the EIS process. The Board itself, in its pre-application consultation on this proposed development, has noted the importance of the consideration of alternatives, because this is an integral requirement of EIA. This is set out in the minute of a pre-planning consultation which has been included in the EIS (EIS Vol. 1 Planning Report, Appendix 5, p.4, which is a record of a pre-application consultation meeting on 5th November 2010 between An Bord Pleanála and the project promoters – ref. No. 29N.PC0103). The architectural alternative (and there was only one) presented by the applicant was severely limited in its potential to alleviate environmental impact, and must be contrasted with the scope for choice that the Department of Health and Children had, before its May 2006 decision, to alleviate impacts if it had taken environmental effects into account in its deliberations.

Many of the applicant's agents reinforce the failure to generate alternatives, which is so fundamental to environmental impact assessment and strategic environmental assessment. They acknowledge in their submissions the constraint to the generation of alternatives imposed by the Department of Health decision of May 2006 –

Conor Skehan: (In submission 'Section C: Alternatives', in which alternating paragraphs deal with 'alternatives' and 'effects') *'... sites were considered by the Joint Task Force within the [Dublin] region and the Mater site was selected.'* [Note: absence of reference to the assessment of the environmental impacts being strategically assessed]

(In Landscape and visual assessment submission) *'The Government decision to co-locate with the Mater on an inner city site in an historic ... quarter'* creates changes that *'arise from ... previously-determined policies and factors'* making the visual and landscape impacts *'residual effects'*.

Shane O'Toole: *'I am aware of the Government decision of July 2011 to construct the new national children's hospital on the site of the Mater hospital campus'. 'It is neither within the scope of my brief nor my expertise to challenge the requirements of the brief for the Children's Hospital of Ireland ...' 'For the purposes of my assessment the 'extent' of the brief is a given, as is the location.'*

'...the requirements of the brief and the capacity of the site has been decided by Government'

The brief for the hospital has grown inexorably since the 2003 planning application, with a greater amount of floor space being suggested in outline in the local area plan, and again in the proposal currently under consideration. It is clear that no Strategic Environmental Assessment that adequately assessed the scale of the programme was carried out. The decision to identify a particular location for such a large scale project deserved a Strategic Environmental Assessment, particularly if that decision 'sets the framework for future development consent of [a] project referred to in Directive 85/337/EEC [The EIA Directive]' (Art. 3.2(a) Directive 2001/42/EC).

The EIS contains no evidence that the Department of Health's decision of May 2006 contained an assessment of environmental impacts. On the contrary, the applicants stated that

'...this decision was based on medical policy more so than planning policy and acknowledged that it could be a contentious matter.'

, as recorded in the pre-planning consultation (EIS Vol 1, Planning report Appendix 5, p.5).

To characterise this in the language of the Strategic Environmental Assessment Directive, a 'programme' prepared for 'land use and which sets out the for future development consent of projects [that may be subject to EIS]' and 'likely to have a significant environmental effects', was adopted (by the Department of Health) without an environmental assessment of that programme being available before its adoption (Art.4).

2 The quality of the architectural articulation of the building mass

"Is this building worthy to become a dominant image of Dublin and its urban skyline?"

It is necessary for time to elapse in order to make a mature and objective evaluation of architectural quality. Conventionally, buildings are expected to be at least thirty years old before being considered for protection.

I present images from a 1978 publication *'A Guide to Modern Architecture in Dublin'* (Thomas O'Beirne, Architecture in Ireland). It is acknowledged that *'...it is inevitable that not every reader will agree with the inclusion of every building in the selection. The buildings are included without comment regarding their quality; it is a matter for the reader ... to judge for himself'*. I would argue for the virtues of these buildings in relating the history of architectural thought in Dublin; they are presented here to offer the benefit of hindsight regarding judgments of architectural quality, as this, despite the protestations to the contrary quoted above, must ultimately be the criterion by which this selection for publication was made. It may be of interest for viewers to pay attention to their emotional reaction to these building being presented as part of our heritage - and to reflect on the socio-cultural connotations that they accrue over time.

Housing at St. Bridget's Park, Cornelscourt

Hume House, Ballsbridge

Phibsboro Shopping Centre

Tayto Factory, Coolock

Egan Wholesale, North Circular Road

The Deerpark Hotel, Howth

Housing at Darndale, Dublin 5

Glasnevin Filling Station

It can be difficult for a planning authority to make a judgment on the aesthetic issue that the proposed development represents. Judgments about artistic quality are seen as subjective and such judgments risks diluting the objective, scientific, basis of the discipline of planning. The sheer scale of this development demands, however, that a judgment be made in this case on this particular issue. Is this building ugly or beautiful? If it is an aesthetic mistake, it is an enormous, and permanent, one. If it is not, the Board can endorse it.

Without disrespecting its architectural and artistic ambitions of the building and its internal artistic logic, its scale demands that it must be considered it in its urban context, where its impact is variously described as:

- *'The proposed hospital will compete with the extant historic landmarks. The indirect impacts will range from low to moderately adverse.'* (EIS Chapter 14.5.3.7)
- *The skyline of the north inner city will be significantly altered by a visually prominent and distinctive structure that will be conspicuous when viewed from many locations – including O'Connell Street, the Botanic Gardens. ... It will significantly change, and contrast with, the established scale that forms the background of a number of local residential communities.'* (Key findings, Statement of Conor Skehan, 18th October 2011 at Oral Hearing)

- ‘...a significant architectural statement at the city scale’ (Statement of Shane O’Toole, 18th October 2011 at Oral Hearing)
- ‘...as the main large and distinctive building will be visible from many locations, there will be an adverse visual impact on key views, streetscapes and landmark buildings with the close environs of the site and the wider historic urban landscape. ... The adverse impact on St. George’s Church will be high. There are identifiable adverse impacts on some of the architectural streetscapes of the city, such as North Great George’s Street and O’Connell Street.’ (Paul Arnold, 18th October 2011 at Oral Hearing)

In summary, its impact, it has been accepted, will be disproportionate and disharmonious, even taking into account the more recent additions to the skyline of Dublin.

An essay about Dublin’s urban form⁵ from twenty years ago eulogised the role of the city’s church spires for their delineation of significant routes across the city. It likens the city’s spires and routes to Dante’s supreme work of poetic art – ‘... to a crystallographic growth which the unceasing drive towards the creation of interlocking forms, penetrates and unites’. This is a reading of the city by reference to a decorous group of skyline markers, consciously designed to align with distant routes, but conforming to a pre-existing traditional pattern and language of building-making. Each of these contributions to the skyline was a unique architectural statement, and also served as a symbol of an institution. On the roofscape, the spires additionally partake of another type of order – the ordering, or rendering legible, of the city as an artistic object in itself. St. George’s Church, Hardwicke Place, is singled out for particular mention in this eulogy for Dublin, marking an important entry route to the city, and symbolising also the Gardiner estate.

The proposed development disrupts this roofscape decorum. It has the scale to impact on the city, and to become an unintended symbolic monument of the city, not just the sponsoring institution. Many cities have tower blocks on their horizons, but few can countenance a skyline object of this immense scale. This development challenges us to consider whether there is a place for the concept of harmony in urban design and the architecture which consists its fabric. It is this harmony which creates very special places that the UNESCO criteria of outstanding universal value describe and evaluate.

The criteria for Outstanding Universal Value’?

Criterion (ii): *The Site should exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;*

Criterion (iv): *The Site should be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;*

Criterion (vi): *The Site should be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance;*

⁵ ‘The Theatre of the City: Dublin 1991, John Olley, Irish Arts Review, 1991, p.70 -78

3 The impact on (a) the historic urban landscape of Dublin, considered as a candidate World Heritage Site, and (b) designated heritage assets

The Heritage Council is of the view that the integrity and authenticity of Dublin as candidate World Heritage Site ought to be a major material consideration in this planning decision. The Board has to judge between, or balance, the social desirability of the proposed hospital project as presented and the social, cultural and economic benefit (realised to date and potentially to be realised in the future) of maintaining the integrity of Dublin city as a historic urban landscape, which has recommended it as a candidate World Heritage Site. Council held a major conference on this subject entitled 'Place as Resource' yesterday (27th October). Maintaining the integrity of Dublin as a historic urban landscape means critically assessing the 'indirect' impacts of the development on various heritage assets across the city, and evaluating the weight these ought to be given in coming to a planning decision.

UNESCO is the United Nations organisation which oversees the implementation of the World Heritage Convention. At its General Conference in Paris on 25th October, it is adopting a *Recommendation on the Historic Urban Landscape*. This is a policy recommendation aimed not only at World Heritage Sites, but at all historic urban areas, whether or not they aspire to be recognised as internationally significant. The *Recommendation* reflects a growing international governmental consensus that considers, *inter alia*:

'...that urban heritage is for humanity a social, cultural and economic asset, defined by an historic layering of values that have been produced by successive and existing cultures and an accumulation of traditions and experiences, recognized as such in their diversity...

'... therefore, that in order to support the protection of natural and cultural heritage, emphasis needs to be put on the integration of historic urban area conservation, management and planning strategies into local development processes and urban planning, such as, contemporary architecture and infrastructure development, for which the application of a landscape approach would help maintain urban identity, ...

'...that the principle of sustainable development provides for the preservation of existing resources, the active protection of urban heritage and its sustainable management is a condition sine qua non of development ...'

(UNESCO, Intergovernmental Meeting of Experts (category II) related to a Draft recommendation on the conservation of the Historic urban landscape, 27th May 2011)

Three concepts are noteworthy in these quotations:

- that the historic urban environment has a cultural, social and economic value (*'historic layering ... accumulation of traditions and experiences'*),
- that heritage considerations are not yet well-enough embedded in spatial planning practice (*'emphasis needs to be put on the integration of historic urban area conservation, management and planning strategies into local development processes and urban planning'*), and

- that the historic urban environment has an environmental value (*‘the principle of sustainable development provides for the preservation of existing resources, the active protection of urban heritage and its sustainable management’*), and that protecting it contributes to ‘sustainable development’, which is the fundamental objective of the Irish *Planning and Development Acts*.

The Recommendation further states:

*‘Urban heritage, including its tangible and intangible components, constitutes a key resource in enhancing the liveability of urban areas and fosters economic development and social cohesion in a changing global environment. As the future of humanity hinges on the effective planning and management of resources, **conservation has become a strategy to achieve a balance between urban growth and quality of life on a sustainable basis.*** (para. 3)

‘... This Recommendation addresses the need to better integrate and frame urban heritage conservation strategies within the larger goals of overall sustainable development, in order to support public and private actions aimed at preserving and enhancing the quality of the human environment. It suggests a landscape approach for identifying, conserving and managing historic areas within their broader urban contexts, by considering the inter-relationships of their physical forms, their spatial organization and connection, their natural features and settings, and their social, cultural and economic values.’ (para. 5)

*‘This wider context includes notably the site’s topography, geomorphology, hydrology and natural features; its built environment, both historic and contemporary; its infrastructures above and below ground; its open spaces and gardens, its land use patterns and spatial organization; perceptions and visual relationships; as well as all other elements of the urban structure. It also includes **social and cultural practices and values, economic processes and the intangible dimensions of heritage as related to diversity and identity.***’ (para. 9)

The phrases where I have added emphasis indicate connections between the objectives of the Irish Planning system and the UNESCO Recommendation.

The tools and methods for implementing a Historic Urban Landscape approach to the management of the built environment are not new – indeed, they have been partially utilised already in the gathering of information for this EIS. They complement and add to the process, providing tools to assist in development, and implementation, of policy. Indeed, best practice and professional standards would demand that they be taken fully into account. What I wish to bring to the Board’s attention from the UNESCO Recommendation is the emphasis on the valuing of the receiving environment, both by the experts who have and will provide testimony at this hearing, and also by the people who own and occupy this historic environment, and who through their contribution to this planning process, seek to steward all the levels and forms of value that it represents.

Dublin’s World Heritage Site status is not the only reason why the conservation of Dublin’s urban heritage should be an important consideration in this planning decision. We should take cognisance of its intrinsic value, and of its value to its inhabitants, and in order to achieve proper planning and sustainable development. The residents of Leo Street, St. Joseph’s Street, O’Connell Avenue,

Mountjoy Street are also deserving of respect for their custodianship of a living and socially sustainable city.

Indirect impact, Historic Urban Landscape

The architectural impact assessment chapter of the EIS describes three geographical scales of impact of the proposed development – (a) within the site, (b) the streets and protected structures in the immediate vicinity of the site, and (c) the wider historic urban landscape. The Heritage Council’s submission to An Bord Pleanála highlighted shortcomings in the documentation of these, especially regarding the third. Many of the shortcomings have been further highlighted in the statements of Mr. Skehan and Mr. Arnold at this hearing.

When we look for evaluative summary statements – ‘Statements of Significance’ or qualitative appraisals - Mr. Skehan’s key finding was:

This project will be one of the tallest ... and most conspicuous buildings in Dublin city. It will significantly alter the appearance and character of both the northern skyline of the city as well as the background to many views with the north inner city and its inner suburbs.

These areas contain urban landscapes ... that are valued as historic and cultural areas and which ... contain significant concentrations of protected structures. Thus the context ... of a number of nationally-significant Georgian streetscapes and buildings will be altered by the conspicuous prominence of a modern building with a contrasting form, scale and height.’

Mr. Arnold states:

‘...as the main large and distinctive building will be visible from many locations, there will be an adverse visual impact on key views, streetscapes and landmark buildings with the close environs of the site and the wider historic urban landscape. ... The adverse impact on St. George’s Church will be high. There are identifiable adverse impacts on some of the architectural streetscapes of the city, such as North Great George’s Street and O’Connell Street.’

As most of the identified impacts relate to the scale and location of the proposed development, and as neither is open to change ... no mitigation is possible.’

‘As this distinctive building will be visible from many locations, there will be an adverse visual impact on some key views, streetscapes and landmark buildings with the close environs of the site and the wider historic urban landscape.’

Regrettably, Mr. Arnold would not be drawn to make comment on the impact of the building on the city as an artefact in itself, or on the consequences of that impact on Dublin’s candidate World

Heritage Site status. There is, however, a series of important inferences which must be drawn out of the evidence gathered in the EIA process to date. The EIS makes a distinction between ‘direct’ and ‘indirect’ potential impacts of the development. Adverse direct impacts relate to the removal of fabric of historical or architectural importance. Adverse indirect impacts ‘*comprise a change in the context or setting*’ of heritage assets (listed as ‘*protected structures, historic buildings, historic streetscapes, Conservation Areas, Architectural Conservation Areas, and the general historic urban landscape*’). What is missing is guidance as to how to give planning weight to these impacts. It might be easy to dismiss them, as no material alteration to the property is anticipated. However, the cultural value of these heritage assets is going to be impacted upon if the development is given permission. How important is this ‘cultural value’? What does it consist of?

If we identify ‘Very Special Places’⁶, it is very often their mixture of a distinctive style of building and a pattern of urban functioning that we cherish and which deserves conservation. The plan and human scale of the Georgian city (and not just its upstanding fabric), its sub-division into houses and shops, and places to work, recommends Dublin.

The potential of the proposed development to modify the architectural heritage character of the wider district must be evaluated as part of the EIS process. Dublin is a candidate UNESCO World Heritage Site, and is seeking to secure the social, cultural and economic benefits that derive from such designations world-wide. These special places can represent:

- *an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design; (Criterion (ii))*
- *an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history; (Criterion (iv))*
- *directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance (Criterion (vi))*

All properties nominated for inscription on the World Heritage List must satisfy the conditions of integrity ‘*Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. Examining the conditions of integrity, therefore requires assessing the extent to which the property: a) includes all elements necessary to express its outstanding universal value; b) is of adequate size to ensure the complete representation of the features and processes which convey the property’s significance; c) suffers from adverse effects of development and/or neglect. This should be presented in a statement of integrity.*’ (UNESCO Operational Guidelines,⁷ 2008). Thus a threat to the integrity of the candidate World Heritage Site is a threat to the harnessing of its future economic, social and cultural value. If this value is to be realised, there is a

⁶ Serageldin, Ismail, 1999, *Very Special Places: the Architecture and Economics of Intervening in Historic Cities*, The World Bank, Washington The World Bank

http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1999/09/14/000094946_9905260827175/Rendered/PDF/multi_page.pdf

⁷ UNESCO Operational Guidelines for Implementation of the World Heritage Convention, 2008, downloadable from www.unesco.org/archive/opguide08-en.pdf

responsibility to plan not to dramatically change the unique character of the city and to demonstrate that development decisions are taken in the full knowledge of the impact on the existing character.

Setting

Setting is defined as *'The surroundings in which the heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.'* (EH, 2011⁸). More crudely, it could be described as the view

- (a) from heritage assets,
- (b) of a heritage assets, or group of assets seen collectively, and
- (c) the intervisibility between heritage assets.

The concept relates to the reading, or enjoyment, of protected structures, vistas and the public realm from specific vantage places. Each protected structure and Architectural Conservation Area has a setting. The setting of a World Heritage Site could potentially extend beyond its buffer zone. The concept has been recognised by the Irish Supreme Court in relation to National Monuments, where it was described as *'the amenity of a national monument'*. The English Heritage guidance *'Seeing the History in the View'*, published in May 2011, and its precursor published in April 2008.

For a full assessment of the impact of the development on ACAs and candidate ACAs, the EIS should have also provided an analytical description of the components of the receiving historic environment that give the area its character, for example, the narrow or wide streets, the elongated building plots and gardens, the glimpses provided by narrow streets and lanes of the landmark churches and other institutional buildings, the relatively low level of two- and four-storied buildings, the roofscape of the area when seen from prominent accessible points (for example the Chimney Viewing Tower at Smithfield, or the Guinness Storehouse), the buildings which contribute to the streetscape of the area.

A glimmer of this was given in Mr. Skehan's historical analysis of 2 views. Regrettably, the purpose of his reductivist analysis of the age of the buildings in those views missed a very significant urbanistic point. There is a harmony in diversity of the different buildings and different eras represented by the buildings. The views represented a decorum in city building by having respect for its form and the rules of composition of the spaces that constitute it. This traditional decorum is ruptured by the proposed development.

The key concept of the 'setting' of these heritage assets is highlighted in the following analysis.

What do the Architectural Heritage Protection Guidelines for Planning Authorities say?

Dublin City Council Development plan states, regarding Phibsborough:

'... To protect and frame important views and vistas, and to ensure proposals for high buildings will have no negative local or city-wide impacts.'

⁸ English Heritage, *'Seeing the History in the View'*, May 2011, p. 29

(DCC Development Plan, 16.4.2 Key Development Principles for Each Area, Phibsborough, p.220)

The Landscape and Visual Impact chapter does not set out to address heritage issues, or specifically identify the potential impact of the development on the 'reading', aesthetic appreciation or harmonious design of special places. And the Architectural Heritage Impact chapter confines itself to consideration of only the most obvious local heritage assets in the vicinity of the development site. Most notably, it does not engage with the potential impact of the proposed development on the setting of these assets. It also does not consider the value of not-yet-designated sites, and 'softer' designations such as Georgian Conservation Areas, and Residential Conservation Areas, which have a slight but significant zoning status in the development plan that relates to their perceived value as places. It also fails to deal with cumulative impacts, and to make a statement of the significance of the urban area as a whole, and the potential impact of the development on that larger whole. This is an environmental consequence of the proposal currently under consideration.

The types of heritage asset that will be impacted upon by the development if it is built:

Protected structures and their curtilage

Architectural Conservation Areas, (and candidate or proposed ACAs)

Residential Conservation Areas (zoning objective Z2)

Georgian or Architectural and Civic Design Character Areas (zoning objective Z8)

The relevance of all of these has been set out on pages 17 and 18 of the Heritage Council's submission by referenced to quotations from Dublin City Council's current development plan in the Heritage Council's submission

Particularly negative impacts on the symbolic reading or cultural meaning of protected buildings, Architectural Conservation Areas, and their settings include:

1. The Mater Hospital, a protected structure, whose function as a hospital will be transformed, and whose architectural heritage significance will be diminished, by the dominant overwhelming adjacent proposed development
2. Eccles Street protected structures (Views 25 to 28). The impact of the project on this street would transform its historic character and function and obliterate its evocative (or mnemonic) potential. It is recognized that successful effort has been made to accommodate the quantum of accommodation of the hospital brief on the site to minimize its impact on the urban form this street. However, there will nevertheless be an impact on the character of the street, on the integrity of its urban functioning – health-related uses will be the dominant land use. (EIS, 14.5.1.2 & 14.5.2.1)
3. O'Connell Street Architectural Conservation Area (View 9) (EIS, 14.5.3.1)
4. St. George's Church, Hardwicke Place, a protected structure (View 24, and also, in particular, the Hill Street / Temple Street dynamic view presented by the applicant's architects) (EIS, 14.5.2.2)

5. Mountjoy Square (View 33)
6. St. Joseph's Church, Berkeley Road, a protected structure (View 31)
7. Royal Canal Conservation Area (*'Views 15, 16 & 17 representative of the potential impact on the Royal Canal in relatively close proximity to the site'* Paul Arnold Submission)
8. Drumcondra Hospital, Whitworth Road, a protected structure located in the Royal Canal Conservation Area will be impacted upon as outlined above (Views 15, 16 & 17)
9. Synnott Place Protected structures
10. St. Peter's Church, Phibsborough, a protected structure
11. Doyle's Corner proposed Architectural Conservation Area (View 19)
12. Berkeley Road Residential Conservation Area and St. Joseph's Church, Berkeley Road (*'Views 29 & 31 clearly indicate the impact on the church'* Paul Arnold Submission) (EIS, 14.5.2.4)
13. Nelson Street Protected structures (View 30)
14. Blessington Basin Georgian Conservation Area (*'Scale of potential impact demonstrated by images from Blessington Basin'* Paul Arnold Submission) (View 31)
15. Prospect Square Architectural Conservation Area (*'View 7 from Botanic Gardens is considered to be indicative of the potential impact of Prospect Square and Prospect Avenue'* Paul Arnold Submission)
16. Mountjoy Street protected structures (View 32)
17. Fontenoy Street proposed Architectural Conservation Area
18. The Black Church, Western Way, a protected structure (*'the building will be visible as illustrated in View 36. The impact is indicated in EIS chapter 14.5.3.5'* Paul Arnold Submission) (EIS chapter 14.5.3.5)
19. The Custom House – (*'The top of the building will be a distant object on the skyline when viewing the Custom House from Sir John Rogerson's Quay'* Paul Arnold Submission)
20. The Phoenix Park (*'... there may be glimpses of the building from within the Phoenix Park'* Paul Arnold Submission)
21. Kings Inns, Constitution Hill, a protected structure, and the forecourt park, a Georgian Conservation Area

4 Indirect consequential impact of the proposed development on the economic functioning of the area

The development is of such a large scale that its impact on the surrounding area is likely to include changes in the uses of many buildings and public spaces. The ICOMOS Washington Charter recognises that the economic functioning of an area may be part of its heritage character and special interest. The fourth issue is also a consequence of the lack of an adequate Strategic Environmental Assessment process in relation to this proposed development. A slim chapter in the EIS on Economic

Impact fails to address this issue. It does not deal with potential negative and positive synergistic effects, and how they might be planned for – viz. The re-development of Mountjoy Prison, as foreseen in the LAP, the non-development of Metro North, the further development of hospital facilities on the Mater campus, the scale and nature of the ‘overspill’ or consequential changes in land use that would surround the proposed hospital, if built, and gentrification. These potential impacts should be evaluated, individually and collectively. Neither the EIS **nor the subsequent presentations to the Board at this oral hearing (check)** address this issue.

Deleterious impacts that can be anticipated include:

- modification of the economic or functional character of buildings in the area (from residential to commercial, from commercial to institutional or from institutional to commercial, etc.)
- pressure for impactful changes of uses in historic buildings,
- inappropriate new building, and further consequential impacts on the character of the city.

The problem of assessing the economic impact of the development on the area in which it is situated, which includes a potentially major heritage impact, is rooted in the evolution of the brief for the project and its incorporation into statutory plans without proper Strategic Environmental Assessment. Without this, economic processes of ‘gentrification’, unbalanced medical function clustering, unanticipated synergistic effects (such as with the re-development of Mountjoy Prison adjacent, the non-development of Metro North, the scale and nature of the ‘overspill’ or consequential changes in land use and gentrification that would surround the proposed hospital, if built) and property market pressures can be unleashed.

Eamonn Kelly refers to the LAP objective to ... on p. 15 of his submission to the Oral Hearing.

Conclusion

In Mary Gallagher’s notably pithy assessment - *"You’re trying to put 2 pints into a pint bottle"*.

The alternatives must be considered before the decision to adopt a programme is made.

This looming landmark lump.

LAP refers to Landmark buildings throughout – these are not, in the majority high buildings, but recognisable ones. The LAP policy in relation to the Mater Site refers very carefully to the quantum of floor space to be accommodated on the site, recognising that this could have an impact on height.

Dynamically changing historical environments do not necessarily mean dramatically changed ones. Changes can happen within an agreed urbanistic framework – plot sub-divisions, parapet heights, window to wall ratios, etc. – to allow urban space to hold its form whilst the individual buildings that constitute it change (‘Dynamically’, as Conor Skehan might have it – but in very slow motion). Change can be accommodated within a framework of urbanistic principles that do not detract from or destroy the readings, the structures that pre-exist.