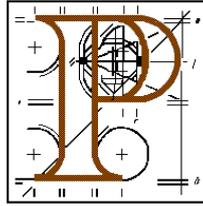


An Bord Pleanála



Inspector's Report

PL27.242067

Development

Memorial to victims of abuse in institutions comprising covered walkway, civic area, gated opening in railing on Parnell Street West.

Garden of Remembrance, Parnell Square, Dublin 1.

Planning Application

Planning Authority: Dublin City Council.

Planning Authority Reg. Ref.: WEB 1196/12

Applicant: Commissioner of Public Works

Type of Application: Planning permission.

Planning Authority Decision: Grant permission with conditions.

Planning Appeal

Appellant(s): Alice Hanratty & others

Type of Appeal: Third v grant

Observers:
Irish Georgian Society
Stephen Coyne
National Graves Association
Ruadhan MacEoin & Others
Mannix Flynn & Niall Ring
Maureen O'Sullivan

Date of Site Inspection: 18th September 2013, 4th and 11th October 2013

Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1 Site and location

The appeal site is located in the W section of the Garden of Remembrance at Parnell Square in Dublin City Centre. The site includes the Children of Lir podium, the tree planted mound to the rear of the podium and the surrounding perimeter wall and railings. The site is bound to the N, W and E by Parnell Square and to the S by the Rotunda Hospital complex. There are several Protected Structures and public buildings in the vicinity including the Rotunda Hospital and the Hugh Lane Gallery.

Photographs and maps in Appendix 1 serve to describe the site and location in some detail.

1.2 Proposed Development

Planning permission is being sought to provide a “Memorial to the Victims of Abuse in Institutions” at the Garden of Remembrance which would comprise:

- The creation of a covered walkway/tunnel through an existing podium and connecting a new hard and soft landscaped civic area located at the western extremity of the Garden of Remembrance.
- The proposed new civic area would incorporate:
 - Seating and planters.
 - Waterfall features located on either side of the civic space.
 - Feature lighting.
 - Sculptured elements.
 - The wording of the State’s apology to the victims of abuse in institutions would be engraved into the walls of the memorial.
- The proposed development also provides for:
 - A gated opening in the railings along Parnell Square West to access the memorial.
 - The western relocation of the existing service gate off Parnell Square North.
 - All associated site development works.
- The proposed development would connect Parnell Square West to Parnell Square East and Parnell Square North via the Garden of Remembrance.
- The application site is approximately 2,140sq.m.

Accompanying documents:

- A Planning Report which contains:
 - (a) Introduction
 - (b) Description of the site and the proposed development
 - (c) Dublin City Development Plan 2011-2017
 - (d) Historical Assessment
 - (e) Arboriculture Impact Assessment
 - (f) Civil and Structural Assessment
 - (g) Appendices which include:
 - Sequence of works details
 - Water feature design details
 - Drainage, storage and infiltration design details
- Access Statement
- Lighting Details for the Journey of Light memorial
- Method Statement for the Temporary Relocation of the Children of Lir Statue
- Appropriate Assessment Screening
- Archaeological Assessment
- Photomontages and two models.

Unsolicited Further Information:

- Access Statement: proposed Journey of Light memorial to the Victims of Abuse in Institutions at Parnell Square, Dublin 1. (Unsolicited AI was received on 14/11/12)

1.3 Interdepartmental reports & submissions on proposed development

Interdepartmental reports:

The City Architects submission is summarised below:

- Relatively low key intervention which will have little visual impact beyond its immediate site.
- Opens up a new E-W route across Parnell Square which was available prior to the creation of the Garden of Remembrance.
- Proposal facilitates disabled access to the pool area of the Garden which is not currently available.
- The mound to the W was formed by excavated material in the creation of the pool level.
- There is a strong interrelationship between the existing and proposed memorials particularly in relation to the Children of Lir statue.

- The Design Statement incorrectly states that the proposal will allow for universal disabled access to all parts of the garden, however the Lir podium will remain inaccessible which is not acceptable and access to the podium should be provided.
- Request the inclusion of a condition requiring some form of disability access to the Lir podium prior to the opening of the new memorial to the public.

The Conservation Officers submission is summarised below:

- The details of the proposal should be agreed on foot of site investigative works.
- The scope of the enabling works such as the methodology for the temporary removal of the Lir sculpture; mitigation measures, high quality materials and finishes within this historical context (refer to Heritage Officers management policy on public sculpture on O'Connell Street).
- The section of the railings and granite plinth wall removed from the Parnell Square boundary should be re-used where possible within the scheme.
- Request the inclusion of a condition requiring the submission of greater detail in relation to the above issues.

The City Archaeologists submission is summarised below:

- Proposal is located within the Zone of Archaeological Potential for Recorded Monument DU018 020 Dublin City which is subject to statutory protection under Section 12 of the national Monuments (Amendment) Act 1994.
- Site located within the Development Plan Zone of Archaeological Interest.
- Request the inclusion of a condition requiring that an archaeological assessment be undertaken prior to any construction or site preparation work.

The Drainage Department had no objection to the proposed development subject to compliance with Council requirements.

The Roads and traffic Planning Department: no report received.

Submissions:

Eight submissions received from:

- Irish Georgian Society
- Murray Rees
- Michael Heery
- Alice Hanratty
- Mary Kirwin

- Stephen Coyne
- Mannix Flynn
- Nial Ring

The following concerns were raised:

Cultural heritage and symbolism:

- Object to location and configuration within the Garden of Remembrance.
- Recognise importance of creating a memorial but there are more suitable sites for the proposal.
- Memorial should stand alone in order to preserve the integrity of the issue.
- Interferes with integrity of the Constitution and intent of Garden of Remembrance.
- Incompatible combination of memorials on site which honours the people who gave their lives for Irish freedom and the creation of the Irish State.
- Gardens also connected with the new state and the power of the church; cultural and heritage reference to the crucifix, Irish flag and Children.

Architectural Heritage:

- Insufficient justification for proposal.
- Adverse impact on the Squares historic Georgian boundary wall and railings, gardens, buildings and historic surroundings including the Rotunda complex.
- Located within curtilage of Rotunda Hospital PS.
- Loss of trees in an area historically characterised by trees.
- Inadequate details in relation to entrance, little relationship to the geometry of the existing square and adverse impact on Parnell Square West.

Planning:

- No regard to the DCC 2004 Framework Plan for Parnell Square.
 - Incompatible with plans to promote Parnell Square as a Cultural Quarter.
 - Incoherent piecemeal development and incompatible with Z9 zoning.
 - Creation of a dank unsafe space which will attract antisocial behaviour.
 - Disturbance to the gardens caused by tunnelling.
 - Inadequate public consultation and debate.
 - At odds with DCC policy on public art.
- Request the Board to refuse planning permission.

Prescribed Bodies:

Application circulated to the Department of Arts, Heritage and the Gaeltacht, An Taisce, Failte Ireland, the Heritage Council and Chomhairle Ealaion and no responses were received.

1.4 Further Information

The applicant was requested to submit 7 items of Further Information:

1. Submit details (including drawings) that provide for some form of universal access to the Children of Lir podium – *the proposed “Journey of Light” memorial will be accessible to all but the existing Garden of Remembrance is not fully accessible and it would be premature to propose the provision of a bridge access to the Children of Lir podium from the N entrance as this could impact on the integrity of the Garden although the OPW will deal with this issue in the near future by carrying out an Accessibility Audit and Conservation Assessment.*
2. Submit details and specifications of the proposed materials and lighting of the proposed memorial, in relation to stone walls, cladding and surfaces together with details as to how the appearance/impression of light as part of the “Journey of Light” is to be created and maintained over time; and details of anticipated lighting levels/light availability in the proposed passage below the Children of Lir sculpture on sunny and cloudy days throughout the seasons – *details submitted.*
3. Submit greater details of the proposed works, the scope of the enabling works, recommendations for the re-use of the boundary railings and wall, and a written methodology for the temporary removal of the Lir sculpture – *brief history provided of the “Children of Lir” sculpture and details of enabling works for the temporary relocation of the statue provided; outline proposals for the re-use of boundary wall and railings provided; the existing side gate will be relocated to the W on Parnell Square North and the double gate will be replaced by a gate that reflects the original design of the railings.*
4. Examine and identify if the proposed new entrances in the W and N boundary walls and railings could form part of such former original boundary and whether they could be considered to be related to the Protected Structure of the Rotunda Hospital, and if so to submit a detailed conservation methodology statement for the proposed new entrances, interventions and associated works – *the Conservation Unit of the OPW are satisfied that there is no connection with the PS at the Rotunda Hospital.*
5. Submit a drawing or artist’s impression of how the proposed development and new entrance would be viewed from the pavement of the opposite (W) side of Parnell Square – *photomontages and models submitted.*
6. Submit an Appropriate Assessment Screening Report – *report concludes that there would be no significant impacts on the qualifying interests or conservation objectives of the Natura 2000 sites considered in the assessment.*

7. Submit an archaeological assessment (and impact assessment) of the proposed development including all temporary and enabling works, geotechnical investigations which addresses the archaeological and historical background to the site including industrial heritage, a paper record of any historic buildings and boundary treatments, the nature, extent and location of archaeological material and the likely impact of the proposal on archaeological heritage – *report submits that due to the large mound of spoil that covers the development area archaeological testing would not be possible as a mitigation measure and that all ground disturbances should be subject to archaeological monitoring.*

New public notices were advertised and erected following the receipt of significant new Further Information.

1.5 Further submissions following receipt of Further Information

Two submissions received.

John Kelly, Co-ordinator for Irish Survivors of Child Abuse raised the following concerns:

- Inappropriate to bolt a memorial to the victims of abuse by the state and church onto an existing memorial to those who give their lives for the creation of the self-same new state.
- Disagree with inscribing the apology of the former Taoiseach Bertie Ahern into the walls of the memorial as recommended in the Ryan Report as they represent an attempt to distance the state from the suffering of the victims.
- Request the Board to refuse planning permission.

Michael Heery raised the following concerns in relation to item 7 of the FI response:

- The Archaeological Assessment only provides the historical background up to the 18th Century.
- Omits that the Garden is a National Monument and its role and relationship with the Irish Volunteers and the 1916 Rebellion.
- Concerned about the interrelationship between the use of the Garden of Remembrance for a memorial to the victims of child abuse.
- The Garden requires similar protection to other National Monuments.

1.6 Planning Authority's Decision

Following the receipt of Further Information the Planning Authority decided to grant planning permission for the proposed development subject to 11 conditions.

- *Condition no.2* required the preparation and completion of a comprehensive Accessibility Audit and Conservation Assessment of the entire Garden of Remembrance and any consequential mitigating access upgrade works should be agreed by the Council.
- *Condition no. 3* required the submission of details in relation to materials, colours and textures of all external finishes to the Council for agreement.
- *Condition no.4* sets out the requirements of the Council's Conservation Section in relation to the temporary removal of the Children of Lir statue and the recording of any archaeological evidence of the pre-existing Chinese Gardens, now known to have existed in this area.
- *Condition no.11* set out the requirements of the City Archaeologist in relation to the carrying out of an Archaeological Assessment, a Method Statement, a Impact Assessment and Mitigation Strategy and excavations, monitoring and preservation in situ or by record.

This decision reflects the report of the City Planning Officer.

Pre-planning:

PAC0216/12: pre-application meeting took place on 29/08/12.

1.7 Planning history

Plan No. 5620/05- Permission granted under Part 8 of the Planning and Development Regulations 2001 for the proposed development by DCC on behalf of the Office of Public Works comprising a new pedestrian entrance to the Garden of Remembrance from the N side of the square opposite the Hugh Lane Gallery.

2.0 ARCHITECTURAL HERITAGE PROTECTION – GUIDELINES FOR PLANNING AUTHORITIES, 2004

This document provides guidance to Planning Authorities in relation to the Record of Protected Structures, Architectural Conservation Areas, Declarations, Places of Worship and development control as well as providing more detailed practical conservation guidance.

3.0 PLANNING POLICY

3.1 Dublin City Council Development Plan

Zoning objective:

The site is located within an area zoned with the objective “Z9” in the 2011 to 2017 Dublin City Development Plan which seeks “To preserve, provide and improve recreational amenity and open space and green networks.”

Heritage:

Recorded Monuments: The site is located within a Zone of Archaeological Potential for Recorded Monument DU018 020 Dublin City which is subject to statutory protection under Section 12 of the national Monuments (Amendment) Act 1994.

- *Policy H38* states that National Monument Advisory Service will be consulted in assessing proposals for development which relates to Recorded Monuments and Places.

Archaeology: The site is located within a Zone of Archaeological interest.

- *Policy H33* states that sites within Zones of Archaeological Interest be subject to an archaeological assessment in consultation with the City Archaeologist prior to a planning application being lodged.
- *Policy H34* seeks to protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
- *Policy H35* states that preservation in situ is not feasible, sites of archaeological interest shall be subject to archaeological investigations and recording according to best practice, in advance of redevelopment.

Protected structures: All three sides of Parnell Square and the section of Parnell Street located to the S of the appeal site contain Protected Structures including the Hugh Lane Gallery to the N and the Rotunda Hospital complex to the S.

- *Section 5.2.5.2* states that the Planning and Development Act, 2000 (as amended) defines ‘Protected Structures’ as structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.....The purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character. Works which would materially affect the character of the protected structure require planning permission

Architectural Conservation Area: The site is located the N of the O'Connell Street Architectural Conservation Area which includes the Rotunda Hospital complex to the S of the appeal site.

Conservation Areas: The site is located within a non-statutory Conservation Area

- *Section 7.2.5.3* states that Conservation Areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city.....All of these areas require special care in terms of development proposals which affect structures in such areas, both protected and non-protected. The special value of conservation areas lies in the architectural design and scale of these areas and is of sufficient importance to require special care in dealing with development proposals and works by the private and public sector alike. Dublin City Council will thus seek to ensure that development proposals within all conservation areas complement the character of the area, including the setting of protected structures, and comply with development standards.
- *Section 17.10.8.1* states in relation to development within Conservation Areas that all new buildings should complement and enhance the character and setting of conservation areas. In considering proposals for development in conservation areas, it is policy to have particular regard to:
 - (a) The effect of the proposed development on buildings and the surrounding environment, both natural and manmade.
 - (b) The impact of development on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed.

Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development.

Heritage and Conservation Area policies:

- *Policy FC26* seeks to protect and conserve the city's cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations.
- *Policy FC28* seeks to continue to protect our built heritage, and development proposals affecting the built heritage will be assessed in accordance with the 2004 Guidelines.
- *Policy FC41* seeks to protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process.

- *Policy FC45* seeks to promote the regeneration and enhancement of the north city Georgian squares and the North Georgian Mile.
- *Policy FC46* seeks to protect and enhance the important civic design character of Dublin's quays, squares and historic public spaces.
- *Policy FC57* seeks to support the designation of Dublin as a World Heritage Site.
- *Policy FC58* seeks to promote the awareness of Dublin's industrial, military and maritime heritage.

Culture:

Cultural Hubs and Quarters: Dublin City Council has promoted and encouraged the clustering of cultural activities over the lifetime of the previous development plan building on the success of clusters such as Temple Bar and the south city centre historic core. Cultural clusters are emerging around Parnell Square and the City Council will continue to support their development.

Policy FC24 seeks to continue to animate the public domain by encouraging the provision of public art, temporary and permanent, across all art forms and artistic disciplines in the city-centre and in neighbourhoods through such mechanisms as the government supported Percent for Art scheme and the development management process.

European sites:

Several sites located within a c.5km radius including:

- North Dublin Bay SAC (Site code: 000206)
- North Bull Island SPA (Site code: 004006)
- South Dublin Bay and River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay SAC (Site code: 000210)

3.2 Parnell Square Cultural Quarter: A Catalyst for Renewal and Growth along the Civic Spine. Vision Document April 2013.

The Vision Document seeks to redevelop Parnell Square as a dynamic cultural quarter which will complement other developments underway along the Civic Spine Route which includes Grafton Street and Henry Street retail areas and major tourist, cultural and educational destinations.

The document envisages:

- The relocation of the central library to the Colaiste Mhuire site.
- A new pedestrianized area at Parnell Square North and landscaping.

- A new entrance to the Garden of Remembrance off Parnell Square West.

4.0 WRITTEN APPEAL SUBMISSIONS

4.1 Third party appeal

There is one Third Party appeal in relation to this application which was submitted by Alice Hanratty, Micharel Heery and Mary Kirwin:

- Object to location within the Garden of Remembrance which is a sacred space set aside to honour those who gave their lives for the country's freedom.
- It would be repugnant to the Preamble of Bunracht na hEireann for the State to fund/advocate a remembrance of any other group on the same pedestal.
- The applicants "historical background" to the site which was submitted by way of FI is inadequate and ends in 18th Century.
- The Garden of Remembrance is a National Monument built on the site of the foundation of the Irish Volunteers and where participants in the 1916 Rebellion were firstly held prisoner.
- The site has been revered by the People of Ireland since it was inaugurated on the 50th anniversary of those events.
- None of those commemorated in the Garden of Remembrance had anything to do with child abuse.
- Suggest the use of the Book of Kells as a more appropriate location for the proposed because of the religious connections.
- Garden of Remembrance should be a designated National Monument.
- Recognise importance of creating a memorial but there are more suitable sites for the proposal such as in the vicinity of The Spire or the grounds of Leinster House.
- The proposed hard and soft landscaped areas, water features and sculptured elements would be intrusive in the tranquil and peaceful Garden.

4.2 First Party response submission

The First Party response to the appeal was submitted by O'Connor Whelan:

Background:

- The location of the proposed memorial was chosen as a result of public consultations and an international competition, the process commenced in 1999 when the Government apologised to the victims of child abuse.
- The Ryan Report recommended the erection of a memorial which should contain the words of the Government apology.
- The Minister for Education & Skills appointed a Committee to oversee the design and commissioning of the memorial with the following remit:
 - (a) Consider the views of survivor groups, survivors and interested parties in relation to the nature and location of the memorial.
 - (b) Make recommendations on the nature and location of the memorial.
 - (c) Oversee the commissioning and delivery by the OPW (through competition) of the design and commissioning of the memorial.
- Public consultations took place during the summer of 2010 which elicited 40 varied submissions

International completion:

- An international competition was arranged to seek proposals for the memorial and the State made the Garden of Remembrance available as permanent location although applicants were not limited to this site.
- The 2-stage competition was adjudicated by a jury of national and international experts and it was open to individuals, consortia, professionals and non-professionals; the jury shortlisted 6 of the 32 entrants, two of whom did not proposed the Garden of Remembrance as a location.

Journey of Light:

- The winning entry was chosen as their design was considered to be distinctive and compelling with cultural value for the benefit of future generations and the concept is based on the legend of the Children of Lir, which portrays a history of abuse and neglect.

The proposal creates a fluid progression between the Garden of Remembrance which commemorates those who died for the cause of Irish Freedom with a memorial dedicated to the young victims of abuse.

- The memorial will not detract from the design of the Garden of Remembrance and will add to the number of people who will visit it.
- Proposal will enable disabled access to the pool area, create a new E-W route across Parnell Square which has not been available since the creation of the Garden and the low key intervention to the stone steps leading to the statue will not detract from the setting of the sculpture or the axial view the Garden.

Historical background:

- The application provides a wealth of material on the historical context of the area from the archaeological report up to the erection of the Children of Lir statue in 1971; the FI response includes information on the commissioning and construction of the Lir statue, a conservation statement on nearby Protected Structures and a detailed Archaeological Assessment.
- The historical context of the site has been comprehensively assessed.
- Garden of Remembrance is not a National Monument as stated in the appeal.

4.3 Observers

Five letters of observations have been received from:

- Irish Georgian Society
- Stephen Coyne
- National Graves Association
- Ruadhan MacEoin, Mick O’Dea and Shane McGowan
- Mannix Flynn & Niall Ring

Irish Georgian Society

- Recognise importance of creating a memorial but there are more suitable sites for the proposal but object to location and configuration within the Garden of Remembrance.
- Parnell Square is one of the finest of Dublin’s 18th century urban set pieces and has the potential to become a catalyst for the regeneration of the City’s North Georgian core although the area has experienced neglect over the years along with the cluttered expansion of the Rotunda hospital.
- Current proposal gives no regard to the Framework Plan for the area and is suggestive of the on-going piecemeal development of Parnell Square.

- Proposal will not respect the Z9 zoning for the garden and disagree with the assertion that the memorial represents an environmental improvement which will create an inviting and accessible civic space.
- The subterranean memorial located under the Lir statue and embankment will provide a dank, unsafe space which will attract anti-social behaviour.
- The Garden is a designated non-statutory Conservation Area in recognition of the “unique architectural character and important contribution to the development proposals which affect structures in such areas, both protected and non-protected.”
- Notwithstanding the re-use of the cast iron railings and granite plinth on the NW side of the Square to facilitate the new 3m wide entrance to the memorial, their removal constitutes a regrettable distortion of Parnell Square’s historic boundary.
- The loss of early trees in his area (an area where trees have historically been present) further negatively impacts on the Georgian character of the Square.
- Request the Board to refuse planning permission.

Stephen Coyne

Location:

- Support the issues raised by the Irish Georgian Society.
- Proposal is an inappropriate response to its location and context and in particular the status of Parnell Square as an area of important heritage value.
- The impact of the proposal on a protected structure and its curtilage has not been properly assessed, the design of the memorial is problematic and it will lead to future problems with maintenance and anti-social behaviour.
- Parnell Square is Dublin’s first formally planned Georgian Square developed from 1745 which has been neglected in recent years and subject to piecemeal development and poorly informed design.
- The 2005 DCC non-statutory Framework Plan was omitted from the current Development Plan.

- The current Vision for the Square comprises the development of the N side of the Square as a cultural quarter however the Planner's report did not refer to this vision or document.
- The sitting and design of the proposed memorial at this location is premature pending a clear design framework for the Square and there is no rationale for the choice of location.

Impact on protected structures:

- Incoherent approach to the conservation and heritage implications of developing the site, the Planner's report notes that the Garden is under consideration as a Protected Structure and the development impacts on the Garden and the Lir statue should be evaluated carefully.
- The site and the Garden are located within the historical confines and curtilage of the Rotunda Hospital which is a Protected Structure along with its attendant Pleasure Gardens (despite c.250years of changes).
- A complete assessment of the originality of the unusually decorous railings should be undertaken before any significant interventions area made as large stretches of the railings around Parnell Square West date from the 18th Century and may have been installed around the former Pleasure Gardens as part of the construction of the Rotund Assembly rooms.
- The Architectural Heritage Protection Guidelines (para 13.1.1) notes that that land and buildings (even in different use and separate ownership) may still be considered to be within the curtilage of a PS; the relationship between the Rotunda complex and their associated gardens, which are contained within the same continuous enclosure of railings, is very clear.
- A comprehensive conservation assessment of the former Pleasure Gardens and a Disabled Access Assessment of the Garden of Remembrance should be undertaken before permitting development at this site.

Design of proposed memorial garden:

- Proposed c.26m long tunnel feature could encourage anti-social behaviour having regard to the social character of the area and the absence of passive surveillance in the vicinity; akin to a 1960s pedestrian underpass.

- Proposed landscaped steeply sloping ground will have almost 100% beech tree canopy cover making low level plant growth unsustainable.
- The waterfall features will become clogged with leaves and will have to be cleared on a daily basis which is impractical.
- The original entrance off Parnell Square East lacks sympathy for the original design of the Square; it does make an emphatic statement on the street with to large curving walls of stone and a broad entrance plaza.
- The proposed entrance from the west is small and ill-resolved, and the view from street level will be an incoherent array of numerous small elements (infill railings, granite clad piers, 2m high stone clad walls, small elements of seating and planting and a pergola on top of the original railing line.)

National Graves Association

- Both monuments are patently worthy of standalone status.
- The grafting of one onto the site of the other detracts from both monuments.
- Welcome the erection of a major monument to the victims of child abuse in Ireland but it should not be located within the Garden Of Remembrance.
- The Garden was designed and built not only to honour those who gave their lives in the cause of Irish freedom but also to establish a unique place where future generations could reflect on the sacrifices of the past.
- The proposed monument will detract from the core purpose of the Garden of Remembrance and the NGA are firmly opposed to the current proposal.

Ruadhan MacEoin, Mick O’Dea and Shane McGowan

Conceptual and design flaws:

- Parnell Square is Dublin’s oldest Georgian Square and any developments need to be treated sensitively.

- Acknowledge the need for a memorial to the victims of institutional abuse but object to the location and nature of the proposed memorial.
- Proposal would be shoehorned into an unusable pocket of the Square and the site is too constrained which will respect neither the issues to which it is dedicated nor the Square itself.
- There would be a disastrous relationship between the new memorial and the existing gardens which are the only purpose built city centre space dedicated to the volunteers of Easter Week 1916 and the Irish War of Independence.
- The combination of the two monuments in the same space would do a disservice to both issues, the existence of the cruciform pool as a central feature of the garden of remembrance will invite visitors to contemplate the relationship between the two spaces and the two issues.
- The design of the monument is highly problematic, it resembles the plethora of religious grottos found beside churches throughout the country and the physical symbolism is confusing.

Technical issues:

- The Scheme has been proposed ahead of the completion of the O'Connell and Street Parnell Square Integrated Area Plan.
- The proposed monument was announced separately but parallel to the Council's plans to locate the Central library to Parnell Square North.
- The extensive number of conditions suggests that the Council may have been pressurised by another state departments into granting permission prematurely.
- The disabled parking spaces in the NW corner of the Square are located at a dangerous section of the road.
- The grotto will attract anti-social behaviour.

Mannix Flynn & Niall Ring

- The Garden of Remembrance, in its entirety, is a standalone national memorial site dedicated to those who lost their lives for the State and the imposition of another structure would be an act of desecration.
- Not inappropriate to have an E-W entrance and exit in the Garden and the proposed new entrance is acceptable but not as part of a second memorial.
- The existing Garden is dedicated to the glorious dead while the proposed memorial is a memorial dealing with “shame” which brought about by the Church and State that are now proposing the memorial.
- DCC recently voted to initiate an order to make the Garden a Protected Structure, the proposed development is incompatible with this decision and the proposal was not subject to DCC’s policy on public art.
- Many former residents of institutions are opposed to this memorial at this point in time and they are supported by their representative organisations.
- The proposed memorial would have an adverse impact on the future success of the proposed Parnell Square Cultural Quarter and the upcoming 1916 commemorations and it would stigmatise the entire neighbourhood.
- Proposed memorial is premature until such time as the issues surrounding the institutional abuse of children in this state and the abuse of children sent by this state to similar institutions abroad are delivered justice.
- The creation of a tunnel of light to simply form an entrance to the Garden is an unacceptable form of memorial and the proposal will encourage anti-social behaviour.
- Any future memorial should be on a standalone site
- Request the Board to refuse planning permission.

4.4 County Council Response submissions.

The Planning Authorities response to the appeal raised no new issues.

5.0 ORAL HEARING

A summary of the Oral Hearing proceedings are attached in Appendix 2.

6.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Background
2. Compatibility with planning policy
3. Design, layout and visual amenity
4. Heritage issues: Archaeology and architecture
5. Heritage issues: Parnell Square Conservation Area
6. Functional issues
7. Environmental Impact Assessment
8. Other issues

6.1 Background

The proposed development comprises a Memorial to the Victims of Abuse in Institutions and it would be located at the western extremity of the Garden of Remembrance at Parnell Square, Dublin 1.

The proposed memorial was designed as a response to one of the recommendations contained in the 2009 Ryan Report. This report recommended that a permanent memorial should be erected and that the words of the State's apology be inscribed on the memorial. A Memorial Committee was set up to oversee an international design competition and the winning entry is described as the "Journey of Light." The State has allocated a budget of 500,000 Euro for the memorial.

Although the Memorial Committee included two former residents of residential institutions there appears to be no consensus among survivors as to what form a memorial should take. Although almost all of the objectors to the proposed development supported the need for a memorial they did not agree with its location at the Garden of Remembrance.

Notwithstanding the sensitive and commemorative nature of the proposed memorial, this report will assess the proposed development in relation to how it complies with the policies and objectives contained in the Dublin City Development Plan 2011 to 2017 and the proper planning and sustainable development of the area.

6.2 Compatibility with planning policies

The proposed development would be located within an area zoned "Z9" which seeks "To Preserve, provide and improve recreational amenity and open space and green networks" in the Dublin City Development Plan, 2011 to 2017. Cultural uses are open for consideration and the proposed development would be compatible with the "Z9" zoning objective.

6.3 Design, layout and visual amenity

6.3.1 General description:

Permission is being sought for a Memorial to the Victims of Abuse in Institutions to be located the Garden of Remembrance at Parnell Square, Dublin 1. The application site area measures 2,140sq.m. and the proposed development is described as the "Journey of Light."

The proposed development would occupy the wooded mound located at the western extremity of the Garden of Remembrance which is bound by Parnell Square West, Parnell Square North and the grounds of the Rotunda hospital.

The proposed development would comprise three main components:

- A new gated entrance off Parnell Square West.
- A new civic space flanked by water features and benches.

- A new covered walkway/tunnel under the Children of Lir podium linking to the Garden of Remembrance via an opening in the steps to the podium.

The words of the State's apology to the victims of abuse in institutions would be engraved into the limestone walls in Irish and English with a Braille plaque, there would be a large number of small openings along both walls in the illuminated covered walkway/tunnel to accommodate tea candles for vigils and the shape of a bell would be embedded in the floor to represent a link to the Lir statue above. (According to the Children of Lir legend, the children transformed back into human form when they heard a monk ring the Christian bell).

The proposed development would entail cutting a large wedge from the wooded mound to the rear of the Lir podium to accommodate the new civic space and tunnel entrance; the construction of retaining walls; the construction of a wall around the new flagpole to the rear of the Lir statue and over the tunnel entrance; the relocation of the service access gate off Parnell Square North marginally to the west; the removal of mature trees and landscaping proposals for the remaining wooded mound.

6.3.2 Detailed description:

The following dimensions have been taken from the submitted plans and they provide an approximate description of the proposed development.

The proposed development would occupy a stated 2,140sq.m. site, it would be c.52m long and between c.2m and c.13m wide inclusive of retaining walls and it would be clad in Irish limestone throughout.

The new gated entrance from Parnell Square West would comprise:

- The removal of a c.3.5m wide section of the granite plinth wall and railings to provide space for two stone clad piers and c.3m high double steel gates.
- The removed wall and railings would be re-used in the new civic space to the immediate N and S of the entrance.

The new civic space would comprise:

- A linear paved area flanked on either side by falling water features, benches and planters located within an excavated area and contained by retaining walls to the N, S and E which would rise in height from c.2.4m to c.6m from W to E.

- The overall area would be c.25m long and c.12m wide reducing down to c.5m at the entrance to the covered walkway/tunnel (inclusive of retaining walls and water features).
- The central paved section would be c.25m long, it would be c.7m wide to the W at Parnell Square West and the width would narrow to c.4.2m at the covered walkway/tunnel entrance to the E (exclusive of retaining walls and water features).
- The W paved area would be flanked by two benches and planters at the new entrance and the retaining walls to the rear N and S would be c. 2.4m.
- The main paved area would be flanked by two falling water features which would be c.15m long and c.3m wide and they would rise in height from 1.2m close to the W entrance to c.2.5m to the E while the height of the retaining walls to the N, S and E of the water features would rise to c.6m to the rear of the Lir podium.
- Several of the existing trees in the remaining wooded mound to the N and S of the civic space would be removed and replaced by new trees and shrubs.

The new covered walkway/tunnel under the Lir podium would comprise:

- The entire walkway would be c.26m long inclusive of the tunnel and the exit through the podium steps (which would not be covered).
- The width of the walkway would narrow from c.4.2m at the entrance to the W from the new civic space to c.1.4m to the E at end of the podium steps.
- The tunnel area would be c.2.7m high, c.21.5m long and the uncovered area to the E would be c.4.5m long.
- The walkway boundaries with the remaining stone steps at the Lir podium would be defined by new stone walls and the removed stone steps would be reused in the seating area at the new entrance off Parnell Square West.
- The walkway would conclude at a distance of c.4.5m from the W edge of the sunken cruciform pool in the Garden of Remembrance.
- The tunnel would be lit by a mix of artificial light and natural light from two structural glass inserts to the Lir podium deck which would be c.2.4m long and c.0.15m wide.

Materials:

- All of the surfaces (walls, floor and ceiling) would be clad with Irish limestone.

- The falling water features would be made from steel and it would step down from E to W.
- The existing wall and railings removed from the Parnell Square West boundary would be reused inside the new gated entrance.
- The stone steps removed from the Lir podium steps would be reused for the benches inside the new gated entrance.

Discrepancies in submitted plans and particulars:

Several discrepancies were identified in the drawings, written documents, models and verbal submissions including the following:

- The pedestrian crossing and adjacent disabled parking bays at the Parnell Square West entrance, which are included in some of the drawings and were referred to by the applicants, are outside the appeal site boundary and the Planning Authority confirmed that there are no plans for these initiatives.
- Details from the Parnell Square Framework Plan 2005 were included in some of the drawings and were referred to by the applicants. Such references included a future link to the Rotunda Gardens and a proposal to square of the NW corner of Parnell Square. This was a non-statutory plan which no longer forms part of the current Development Plan. However it is acknowledged that the Memorial Committee made the Framework Plan available to the competition entrants.
- There are very noticeable discrepancies in the depiction of the falling water features between the submitted drawings, photomontages, the 2 models and the designer's web page however the dimensions quoted above have been taken from the application drawings.

6.3.3 Visual amenity

The general visual impact of the proposed development will be assessed in this section whilst the more detailed heritage issues will be assessed in Sections 6.4 and 6.5 below. In assessing the general visual impact of the proposed development the Board may wish to refer back to the detailed description of the design and layout set out in Section 6.3 above.

The proposed development would comprise the creation of a linear civic space located in the NW section of the Garden at Parnell Square which would link into the Garden of Remembrance via a covered walkway/tunnel under the Children of Lir podium.

The civic space would be c.25m long and c.7m wide at the entrance off Parnell Square West reducing to c.4.2m at the entrance to the covered walkway/tunnel and

the height of the retaining walls would range from c.2.4m to c.6m from W to E to behind the Lir podium. The covered walkway/tunnel would be c. 26m long and between c.4.2m wide at the entrance from the new civic space to c.1.4m at the exit into the Garden of Remembrance at the end of the Lir podium steps.

All of the external surfaces would be clad in Irish limestone and the walls would contain numerous small openings for tea candles along with the wording of the State's apology at c.750mm above ground level. The covered walkway/tunnel would be lit by a mix of natural and artificial lighting. The c.15m long and c.3m wide steel based falling water feature would be located to the N and S of the civic space and it would be contained by walls that rise significantly in height from W to E.

Having regard to the scale, length, width and configuration of the proposed development, taken in conjunction with the relationship between the height of the retaining walls and the width of the civic space, and the uniform use of limestone cladding throughout, the proposed development would have a stark and corridor like appearance with little or no visual relief.

Furthermore, having regard to the height at which a section of the falling water feature would be located relative to the adjoining civic space, this feature would mainly be visible to the public from Parnell Square West and from the W section of the civic space located in the vicinity of the new entrance off the Square.

6.4 Heritage issues: Archaeology and architecture

This section will assess the impact of the proposed development on the archaeological and architectural heritage of the area while section 6.5 will assess the impact of the proposal on the Parnell Square Conservation Area in more detail. The Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above:

6.4.1 Archaeological heritage

The proposed development would be located within the Zone of Archaeological Potential for Recorded Monument DU018 020 Dublin City which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994 and within the Zone of Archaeological Interest designated in the Dublin City Development Plan, 2011 to 2017. Available records also indicate that the appeal site and the surrounding lands are located in the area where the 11th Century Battle of Clontarf took place.

The proposed works would take place at the western extremity of the Garden of Remembrance which is characterised by a tree covered mound which was formed from the material excavated during the construction the Garden in the 1960s.

The applicant's submission was accompanied by a Planning Report which included a detailed historical assessment of the site and its environs.

The City Archaeologist requested the inclusion of a condition requiring that an archaeological assessment be undertaken prior to any construction or site preparation work.

The Planning Authority requested the applicant to submit (by way of Further Information) an archaeological assessment (and impact assessment) of the proposed development including all temporary and enabling works, geotechnical investigations which addresses the archaeological and historical background to the site including industrial heritage, a paper record of any historic buildings and boundary treatments, the nature, extent and location of archaeological material and the likely impact of the proposal on archaeological heritage.

The applicant's response report submitted that due to the large mound of spoil that covers the development area archaeological testing would not be possible as a mitigation measure and that all ground disturbances would be subject to archaeological monitoring.

Condition no.11 of the Planning Authority's decision to grant planning permission set out the detailed requirements of the City Archaeologist in relation to carrying out of an Archaeological Assessment, preparing a Method Statement, Impact Assessment and Mitigation Strategy and requirements in relation to excavations, monitoring and preservation in situ or by record in the event of any finds.

The approach adopted by the Planning Authority is considered to be reasonable and the Board's archaeological conditions should be attached to any grant of planning permission.

6.4.2 Architectural heritage

Background context:

The proposed development would be located in the W section of the Garden of Remembrance which is the site of the State's memorial to the men and women who gave their lives for the cause of Irish Freedom. The Garden of Remembrance is located in the N section of Parnell Square which is a Conservation Area surrounded on all sides by approximately 90 Protected Structures and the area to the S of the Garden of Remembrance is an Architectural Conservation Area. All of these heritage designations are included in the Dublin City Development Plan 2011 to 2017. Dublin City Council passed a motion in December 2012 to initiate the process whereby the Garden of Remembrance would be designated as a Protected Structure, and this process cannot commence until the current planning appeal has been determined.

National/Recorded monuments:

Several parties and observers to the appeal raised concerns that the Garden of Remembrance and the Children of Lir Statue are National/Recorded Monuments and that the impact of the proposed development should be assessed accordingly.

A previously stated, the Garden of Remembrance is the site of the State's memorial to the men and women who gave their lives for the cause of Irish Freedom and it has many related historical and cultural connections to the fight for independence. The Garden of Remembrance is a place of commemoration where visiting Heads of State come to lay wreaths in honour of those who fought and died in the pursuit of an independent state and it has an equivalent cultural and iconic status to other War Memorials throughout Europe. However, although the Garden of Remembrance is a monument of national importance it is not a National or Recorded Monument and it has no statutory protection under the National Monuments (Amendment) Act 1994.

Protected Structures: Rotunda Hospital

Several parties and observers to the appeal raised concerns that the Garden of Remembrance and the site of the proposed development lie within the curtilage and attendant grounds of the Rotunda Hospital Protected Structure. They submit that the Garden of Remembrance and the Children of Lir statue are covered by this Protected Structure designation and that the impact of the proposed development should be assessed accordingly.

The Rotunda Hospital complex, which comprises the late 18th Century Rotunda Hospital, Assembly Rooms, Ambassador Cinema and Gate Theatre along with various 20th and 21st Century additions, is located adjacent to the Garden of Remembrance and the site of the proposed development. These late 18th Century buildings, which are designated Protected Structures in the 2011 to 2017 Dublin City Development Plan, are located along Parnell Street. The following extract from the Record of Protected Structures identifies the features which are covered by this designation and it is clear that the Garden of Remembrance and the appeal site are not covered.

Reference	Address	Description
6419	Parnell Square West, Dublin 1	Rotunda Hospital: west wing, excluding ground-floor arcade (for which see Parnell Street); facades of Plunkett Cairns wing (three-storey façade)
6420	Parnell Street, Dublin 1	Rotunda Hospital: main hospital, including all ground-floor flanking arcades. (For west wing, see Parnell Square West)
6437	Parnell Street, Dublin 1	Former Ambassador Cinema (former Rotunda

		Rooms)
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Chapter 13 of the Architectural Heritage Protection Guidelines for Planning Authorities (2004) deals with the issue of Curtilage and Attendant Grounds.

In relation to curtilage Section 13.1.1 states that, by definition, a protected structure includes the land and buildings lying within the curtilage of the protected structure and that curtilage is taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of that structure. Section 13.1.2 states that it is not necessary for the lands/features to be in single ownership; that features may be considered to form part of the curtilage of the building unless they are located at a distance from the main building; and that the planning authority should ensure that all relevant owners and occupiers are notified of the protected structure status of their structures. Section 13.1.4 states that curtilage should be identified by the planning authority prior to inclusion in the RPS and Section 13.1.5 sets out three matters that should be considered by the planning authority which relate to functional connections, historical relationships and ownership connections (i.e. if they were in the same ownership at the time of construction).

In relation to attendant grounds Section 13.2.1 states that these are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation, such as a designed landscape laid out to complement the design of the building or to assist in its function. Section 13.2.3 states that the planning authority has the power to protect all features of importance which lie within the attendant grounds of a protected structure but such features must be specified in the RPS and the owners and occupiers notified in order for the feature to be protected.

The Planning Authority made the decision to include the 18th Century buildings at the Rotunda Hospital in the Record of Protected Structures which also form part of the O'Connell Street Architectural Conservation Area. The Planning Authority confirmed at the oral hearing that the adjoining lands to the N of the Rotunda complex, which contained the former 18th Century Pleasure Gardens, did not qualify as lying within the curtilage or attendant grounds of the Protected Structures as the lands are now occupied by modern buildings and a car park and ownership of the lands occupied by the Garden of Remembrance and the appeal site changed over 70 years ago.

It is therefore clear, at this point in time, that the Protected Structure designation afforded to the 18th Century buildings at the Rotunda Hospital Complex does not extend to the Garden of Remembrance and the appeal site. However this might not always be the case and the Planning Authority may decide to reassess this arrangement at some time in the future.

Protected Structures: Garden of Remembrance

Several parties and observers to the appeal raised concerns that the Garden of Remembrance and the Children of Lir statue is a Protected Structure and that the impact of the proposed development should be assessed accordingly.

Neither the Garden of Remembrance nor the Children of Lir statue are listed in the current Record of Protected Structures nor have they been designated as proposed Protected Structures.

Dublin City Council passed a motion in December 2012 to initiate the process whereby the Garden of Remembrance would be designated as a Protected Structure. As the motion was passed during the lifespan of the planning application the process cannot commence until the current planning appeal has been determined.

It is therefore clear, at this point in time, that the Garden of Remembrance and the Children of Lir statue are not covered by a Protected Structure designation or a proposed Protected Structure designation. However this might not always be the case pending the outcome of the Planning Authorities evaluation of the site for inclusion in the Record of Protected Structures.

Architectural Conservation Area:

Several parties and observers to the appeal raised concerns that the Garden of Remembrance and the site of the proposed development lie within an Architectural Conservation Area and that the impact of the proposed development on the Conservation Area should be assessed accordingly.

The O'Connell Street and Environs ACA extends from College Green to the S to Parnell Street to the N and it includes the Rotunda Hospital Protected Structures but not the lands to the N. It is therefore clear that the Garden of Remembrance is not included in the ACA.

6.5 Heritage issues: Parnell Square Conservation Area

Several parties and observers to the appeal raised concerns that the Garden of Remembrance and the site of the proposed development lie within a Conservation Area and that the impact of the proposed development on the Conservation Area should be assessed accordingly.

6.5.1 Background context:

Parnell Square is Dublin's oldest Georgian Square and it was originally laid out as an 18th Century Pleasure Garden by Bartholomew Mosse on lands leased from Luke Gardiner. Revenue generated by activities in the Pleasure Garden was used to fund the construction of the Rotunda lying-in hospital to the S and the Garden eventually became an integral part of the Rotunda hospital complex. The Pleasure Garden contained a rotunda in the SW section, a central sunken garden and bowling alley, an elevated orchestral area and Chinese Gardens to the N along with two Tuscan temples that served as sedan chair rest-houses in the NW and NE corners.

The success of the Gardens led to the development of the surrounding lands and individual plots were developed for Georgian houses which eventually formed the terraces which define Parnell Square to the N, E and W. The houses on the E side vary in scale and plan while the houses on the N and W sides are more regular. Most of the houses have plain brick facades, although a number on the W side have the rusticated ground floor popular in 1760s Dublin. Charlemont House (now the Hugh Lane Galley) has a somewhat different appearance with a stone fronted palazzo with a shallow forecourt (Christine Casey, *The Buildings of Dublin*, 2005).

The State acquired the N section of Parnell Square for the Garden of Remembrance in the 1930s which was laid out in the 1960s and the Rotunda hospital began to extend into the remaining grounds from the 1940s onwards. Some remnants of the original Pleasure Garden remain including sections of the sunken garden, four stone obelisks and a several large granite bollards along with a fragment of the stone orchestra platform to the N.

6.5.2 Conservation Area status:

Parnell Square is a designated non-statutory Conservation Area in the Dublin City Development Plan, 2011 to 2017. This designation covers Parnell Street, Parnell Square North, East and West, Granby Row and the southern part of North Frederick Street. The designation covers the Rotunda Gardens, the Garden of Remembrance, including the appeal site and the Rotunda hospital complex. The Conservation Area also contains approximately 90 Protected Structures located around Parnell Square.

The current Development Plan affords a high degree of protection to non-statutory Conservation Areas along with the structures and features located within them, irrespective of whether or not they are Protected Structures.

Dublin City Councils position in relation to Conservation Areas is summarised below:

- *Section 7.2.5.3* states that Conservation Areas have been designated in recognition of their unique architectural character and important contribution to the heritage of the city.....The special value of conservation areas lies in the architectural design and scale of these areas and is of sufficient importance to require special care in dealing with development proposals and works by the private and public sector alike.... development proposals within all conservation areas should complement the character of the area and the setting of protected structures.
- *Section 17.10.8.1* states in relation to development within Conservation Areas that all new buildings should complement and enhance the character and setting of conservation areas and in considering proposals for development in conservation areas, it is policy to have particular regard to:

- (a) The effect of the proposed development on buildings and the surrounding environment, both natural and manmade.
- (b) The impact of development on the immediate streetscape in terms of compatibility of design, scale, materials and landscaping.

Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development.

Dublin City Councils policy in relation to Conservation Areas is summarised below:

Policy No.	Policy objective
<i>Policy FC26</i>	Seeks to protect and conserve the city’s cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations.
<i>Policy FC28</i>	Seeks to continue to protect our built heritage, and development proposals affecting the built heritage will be assessed in accordance with the 2004 Guidelines.
<i>Policy FC41</i>	Seeks to protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process.
<i>Policy FC45</i>	Seeks to promote the regeneration and enhancement of the north city Georgian squares and the North Georgian Mile.
<i>Policy FC46</i>	Seeks to protect and enhance the important civic design character of Dublin’s quays, squares and historic public spaces.
<i>Policy FC57</i>	Seeks to support the designation of Dublin as a World Heritage Site.
<i>Policy FC58</i>	Seeks to promote the awareness of Dublin’s industrial, military and maritime heritage.

6.5.3 Impact of the proposed development on Parnell Square Conservation Area

This section of the report will assess the impact of the proposed development on the Parnell Square Conservation Area under the following headings:

- The Rotunda Gardens.
- Parnell Square.
- The Garden of Remembrance and Children of Lir statue.

Impact on Rotunda Gardens:

The history of the Parnell Square and the Pleasure Garden was summarised in section 6.5.1 and the Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above.

James Kelly, a Conservation Architect with the Dublin Civic Trust made a presentation to the oral hearing on behalf of one of the Observers (Ruadhan MacEoin). He described the remaining Gardens at Parnell Square as the sole surviving Pleasure Garden from the 18th Century which is of national and international importance.

Mr Kelly also presented a vision for the restoration of the Gardens which could be realised in the event of the hospital being relocated. The vision included the removal of all non-listed buildings from within the Rotunda complex, the re-integration of the Garden of Remembrance into the Gardens and the restoration of the vista between the Hugh Lane Gallery (formerly Charlemont House) and the Rotunda Hospital, which are both Protected Structures. Mr Kelly concluded that the proposed development would adversely affect any future plans to restore the Pleasure Garden and this concern was shared by other Observers including the Irish Georgian Society.

This concern is further supported by reference to several Development Plan policies and in particular Policy FC45 which seeks to promote the regeneration and enhancement of the north city Georgian squares and Policy FC46 which seeks to protect and enhancing the important civic design character of Dublin's squares.

Impact on Parnell Square

The design and layout of Parnell Square was described in section 6.5.1 and the Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above.

The proposed development would comprise the creation of a linear civic space located in the NW section of the Gardens at Parnell Square which would link into the Garden of Remembrance via a covered walkway/tunnel under the Children of Lir podium. The civic space would be c.25m long and c.7m wide at the new gated entrance off Parnell Square West reducing to c.4.2m at the entrance to the covered walkway/tunnel. The civic space would be flanked by falling water features to the N and S which would be c.15m long and c.3m wide. The entire c.12m wide space (inclusive of water features) would be contained by walls to the N, S and E which would rise in height from c.2.4m to 6m from W to E. All of the surfaces would be clad in Irish limestone and the water feature would be made from steel.

Gated railings at Parnell Square West:

The appeal site comprises an enclosed elevated mound located in the NW section of the Gardens at Parnell Square which is characterised by a dense plantation of semi-mature trees and there is a vehicular entrance located along the S site boundary with the Rotunda hospital buildings beyond. The mound was formed by excavated material from the Garden of Remembrance in the c.1960s.

The Gardens at Parnell Square are defined by a curved granite plinth wall which extends around the entire Garden with original 18th Century railings to the S around the Rotunda Hospital complex and replica 18th Century railings to the N around the Garden of Remembrance. It is unclear whether or not the N section of the granite plinth wall around the Garden of Remembrance is part of the original 18th Century wall. The texture of the granite is different, the line of the boundary to the E appears to have been set back from its original position and there is no evidence of an infill section at the NW corner after the 18th Century Tuscan temple was removed. Photographs in Appendix 1 describe this in more detail. The boundary is also defined by a public footpath, car parking bays and a wide main road with Georgian terraces beyond to the N, W and E.

The proposed new gated entrance would be located along the NW curve of the boundary wall, to the N of the existing vehicular entrance gate and the neighbouring hospital buildings. The proposed new entrance would entail the removal of c.3.5m wide section of the granite plinth wall and railings to provide space for two stone clad piers and c.3m high and c.3.5m wide double steel painted gates.

The height, scale and design of the proposed gates would be similar to the height, scale and design of the existing railings which is acceptable in terms of visual amenity. The removed section of the plinth wall and railings would be reused immediately inside the new entrance which is also acceptable in terms of best conservation practice. The relocation of the existing service gate to a more western position along the boundary with Parnell Square North is also considered acceptable.

New civic space:

The proposed development would entail the removal of a large wedge shaped section of the existing wooded mound to the immediate rear/west of the Lir podium and its replacement by a linear civic space with parallel benches, planters and falling water features to the N and S of the civic space.

The civic space would be located at ground level and it would be separated from the remaining elevated sections of the wooded mound by retaining walls which would rise in height from c.2.4m to 6m from W to E. All external surfaces would be clad with Irish limestone and the remaining sections of the mound would be landscaped with trees and shrubs.

Parnell Square is Dublin's oldest Georgian Square, it is a non-statutory Conservation Area and it contains c.90 Protected Structures and most of the buildings located opposite the proposed development to the N and W are Protected Structures. Most of the Georgian buildings around the Square have unadorned red brick facades, timber windows and slated roofs whilst the more ornate Hugh Lane Gallery

(Charlemont House) to the N has a Carlow limestone façade and the retaining walls of the Garden of Remembrance are rock faced limestone.

The proposed development would comprise limestone clad walls rising to a height of c.6m, artificial lighting and two steel based water features. The limestone retaining walls would reflect the materials used in the façade of Charlemont House and within the Garden of Remembrance.

However, the overall scale, height and layout of the civic space and the design of the water features with their extensive use of steel would not establish any architectural or historic link to surrounding 18th Century urban square. The proposed development would be out of character with the existing Georgian character of Parnell Square and it would be visually dominant which would conflict with section 17.10.8.1 of the Development Plan which states buildings (and by way of extrapolation developments) in Conservation Areas should complement and enhance the character and setting of such areas.

This concern is further supported by reference to several Development Plan policies in relation to:- Policy FC26 which seeks to protect and conserve the city's cultural and built heritage for future generations; Policy FC41 which seeks to protect and conserve the special interest and character of Conservation Areas; Policy FC45 which seeks to promote the regeneration and enhancement of the north city Georgian squares; and Policy FC46 which seeks to protect and enhancing the important civic design character of Dublin's squares.

Impact on the Garden of Remembrance and Children of Lir statue:

The design and layout of Parnell Square was described in section 6.5.1 and the Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above.

The Garden of Remembrance forms part of the designated non-statutory Conservation Area at Parnell Square. Conservation Areas have been designated in the city in recognition of their "unique architectural character and important contribution to the heritage of the city" and the Council will "seek to ensure that development proposals within all conservation areas complement the character of the area, including the setting of protected structures" as stated in section 7.2.5.3 of the current Development Plan and several other heritage policies apply to the site.

Design and layout of Garden of Remembrance:

The Garden of Remembrance comprises a long narrow site located in the N section of the Gardens at Parnell Square and it runs along an E-W axis, the main pedestrian

access is off Parnell Square East and there is a new entrance off Parnell Square North opposite the Hugh Lane Gallery.

The civic space contains a large cruciform sunken garden containing a basin of similar profile with a flight of steps beyond which lead to a large apse and a centrally placed, grandly scaled sculptural group (Christine Casey, *The Buildings of Dublin*, 2005). The materials are rock faced limestone in the retaining walls, marble cladding to the apse behind the podium and granite around the central basin, the floor of which is characterised by mosaic tiles that depict the historic laying down of arms in a watercourse after battle. The Lir statue, according to Christine Casey (2005) “is a large and ponderous bronze group by Oisín Kelly, ostensibly the Children of Lir, but symbolic of transformation through revolution.”

Design and layout of proposed tunnel and exit through the podium steps:

The proposed civic space to the W would be linked to the Garden of Remembrance to the E via a covered walkway/tunnel under the Children of Lir podium and an exit through the podium steps which are c. 12m wide.

The covered walkway/tunnel would be c. 26m long and between from c.4.2m wide at the entrance from the new civic space to c.1.4m at the exit into the Garden of Remembrance at the end of the Lir podium steps. The exit from the covered walkway/tunnel would c.2m to 2.5m wide and 3m high inclusive of retaining walls and c. 1.4m to 1.7m wide and 2.7m high exclusive of retaining walls. The covered walkway/tunnel would be lit by a mix of artificial and natural lights from two structural glass inserts at the Lir podium deck which would be c.2.4m long and c.0.15m wide.

The proposed exit through the podium steps would be c.4.5m deep and between 2m to 2.5m wide inclusive of the stone clad entrance walls which would extend c.0.4m beyond the end of the steps. The works would entail the removal of a c.2.5m wide section of around 12 steps in the central lower two thirds of the podium steps at a distance of c.4.5m from the W end of the cruciform pool.

The walkway boundaries with the remaining steps at the Lir podium would be defined by new stone walls and the removed stone steps would be reused in the seating area at the new entrance off Parnell Square West.

Character and Setting:

The Garden of Remembrance is set within the N section of the Garden at Parnell Square which is a designated non-statutory Conservation Area to which several Development Plan polices apply in relation to the protection of cultural and architectural heritage. In particular Policy FC45 seeks to promote the regeneration and enhancement of the north city Georgian squares and Policy FC46 seeks to protect and enhance the important civic design character of Dublin’s squares and historic public spaces. The linear civic space runs along an E-W axis, the main entrance is off

Parnell Square East, and the Children of Lir podium to the W, with its wooded backdrop, sets the context for the existing memorial and it terminates the long vista through the civic space.

The proposed development would entail the permanent removal of a substantial portion of the wooded backdrop to the rear of the Lir podium in addition to the removal of the central section of the ceremonial steps and it would provide a continuous E-W pedestrian route through the Garden of Remembrance. The unique setting of the Children of Lir statue, the Lir podium and the ceremonial steps would be compromised and the entire ensemble would no longer be the focal point of the Garden of Remembrance. The proposed development would, therefore, have an adverse effect on the character and setting of the Garden of Remembrance and the visual amenities of the area.

Character and function:

As previously stated, the Garden of Remembrance is the site of the State's memorial to the men and women who lost their lives for the cause of Irish freedom and the character of the civic space is defined by this role.

The Garden of Remembrance functions as a commemorative space that is used for State ceremonies and it is visited by Heads of State from around the world. The main processional route through the Garden of Remembrance commences at Parnell Square East and concludes at the Lir podium which is accessed via the ceremonial steps. During State occasions the Army Guard of Honour occupies the curved space immediately above the apse to the rear of the Lir statue and wreathes are laid in front of the Lir statue at the top of the podium steps. It should be noted that Policy FC58 of the current Development Plan seeks to promote awareness of Dublin's military heritage.

The proposed development would physically connect a new memorial to the people who were victims of abuse in institutions to the existing memorial to the people who lost their lives for the cause of Irish freedom. The proposed and existing memorials would be interconnected by way of a passageway under the Lir podium with an exit through the ceremonial steps.

The proposed physical interventions would affect the character of the Garden of Remembrance both as a memorial to those who died for the creation of the new state and its function as a space for State ceremonial occasions.

Furthermore, the proposed linear civic space to the W of the Lir podium would have a useable floor area of c.140sq.m. It is likely, having regard to the small size and configuration of the new civic space that commemorations and vigils for the people who were abused in institutions would spill over into the existing civic space to the E, which would in turn affect the character and function of the Garden of Remembrance. Notwithstanding the applicant's interpretation of the symbolic links between the proposed memorial and the Garden of Remembrance and Children of Lir statue, it is clear that the two civic spaces commemorate two entirely different

episodes in Irish history and that there is no direct relationship between the character and function of these two spaces.

Conclusion:

The proposed development would have an adverse impact on the setting, character and function of the Garden of Remembrance which is located within a designated Conservation Area. The proposed development would be contrary to Policy FC26 which seeks to protect and conserve the city's cultural and built heritage and Policy FC41 which seeks to protect and conserve the special interest and character of Conservation Areas and it would undermine Policy FC58 which seeks to promote awareness of Dublin's military heritage.

6.6 Functional issues

This section will assess functional issues of relevance to the proposed development and the Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above:

6.6.1 Civic space, commemorations and vigils

The proposed development would function as a civic space for commemorations and vigils and the Board may wish to refer back to the detailed description of the proposed development set out in Section 6.3 above:

The proposed new civic space would be c.25m long and c.7m wide (exclusive of the retaining walls, water features and benches). The linear space would be enclosed by retaining walls which would rise in height from c.2.4m to c.6m from W to E and the two water features would only be visible to the public from Parnell Square West and from within the W section of the space.

There is no central focal point within the civic space, the wording of the State's apology would be located c.750mm above ground level and the benches are located in the W section on either side of the entrance and behind the open gates.

The proposed E section (covered walkway/tunnel under the Lir podium) would be c.26m long and between 1.4m and c.4.2m wide. It is proposed to provide a large number of small stone rebates along the walls to accommodate tea candles during vigils.

Having regard to the above, I am not entirely convinced that the proposed new civic space and covered walkway would function as a useable space for commemorations and vigils although it is acknowledged that decisions in relation to this issue rest with the Memorial Committee.

The words of the official State apology will be engraved lengthwise along the walls in Irish and English and a Braille plaque will be provided. The words of the apology will extend eastwards along the low walls of the water features (immediately adjacent to the civic space) to the approximate centre of the covered walkway/tunnel. The

engraved words will be at located c.750mm above finished floor level at the eye level of a small child.

Although not strictly a planning issue, I queried why it was not proposed to engrave the State apology at adult eye level given that the apology was made to adults who were abused as children, having regard to the adult content of the apology and bearing in mind that the average 2 year old is c.850mm tall with an eye level of c.750mm. Whilst I fully acknowledge that the choice of memorial to the victims of abuse in institutions rests firmly with the members of the Memorial Committee, it is unclear why the wording of the apology does not occupy a more prominent position.

6.6.2 Disabled access

The proposed development should comply with the requirements of Part M of the Building Regulations, 2000 (as amended) in relation to Access for People with Disabilities. Whilst the assessment of compliance with Part M is outside the Board's remit there is one area of concern in relation to disabled access that should be noted.

The proposed development would enable people with disabilities to access the proposed memorial and the sunken pool area in the Garden of Remembrance via the new gated entrance off Parnell Square West, the new civic area and the new covered walkway/tunnel under the Lir statue which is a welcome initiative.

Although universal access has not been extended to the Lir podium, Condition no. 2 of the Planning Authority's decision to grant planning permission required the preparation and completion of a comprehensive Accessibility Audit of the entire Garden of Remembrance and any consequential mitigating access upgrade works should be agreed by the Council. Ms. Rolfe from the OPW also confirmed that it was envisaged that the issue of universal disabled access to the Garden of Remembrance would be examined by the OPW in the near future.

The proposed covered walkway/tunnel under the Lir podium would connect the new and existing civic spaces. The proposed walkway would be c.26m long and the width would range from c.4.2m at the W entrance from the new civic space to c.1.4m at the E end of the podium steps.

The proposed widths are wide enough to allow for wheelchair access to and from the walkway to the new civic space and the Garden of Remembrance. However a minimum width of 1.5m is normally required in order to facilitate wheelchair manoeuvrability and turning movements and this degree of manoeuvrability would not be fully achieved in the easternmost section of the walkway.

Furthermore, it would also be difficult for two wheelchair users (or a buggy pusher and wheelchair user) to pass each other when travelling in opposite directions along the eastern half of the walkway because of the narrow width. Given that the proposed development comprises a memorial which will also function as a civic space for commemorations and vigils it is not ideal that part of the space would present difficulties for people with disabilities or parents with buggies.

6.6.3 Safety, security and maintenance

There are a number of concerns in relation to these aspects of the proposed development and the Board may wish to refer back to the detailed description of the design and layout set out in Section 6.3 above.

Background context:

The Garden of Remembrance is owned by the State, it is managed and maintained by the OPW, it is supervised by a Park Warden during daylight hours and it is locked up at dusk every evening. Pedestrian access to the Garden is via the original gated entrance off Parnell Square East and the more recent gated entrance off Parnell Square North opposite the Hugh Lane Gallery.

I carried out several site inspections at various times of the day and night during the course of my assessment of the proposed development and I am satisfied that the Garden is a relatively safe place which has not been damaged by vandalism or overt antisocial behaviour.

However it was noted that the two covered seating areas situated on either side of the Parnell Square East entrance are sometimes used by homeless people for shelter as it is possible to climb over the locked gate at this location at night. Photographs contained in Appendix 1 describe this relationship in more detail.

Covered walkway/tunnel:

The proposed development could comprise the excavation of a c. 20m long tunnel under the Children of Lir podium to create a covered walkway which would connect the new civic space to the W with the existing civic space to the E at the Garden of Remembrance.

The applicants submit that this element of the proposed development will improve E-W visibility through the site and that the entire area will remain protected from anti-social behaviour. The applicants submit that improved passive surveillance from the W, the daytime presence of the Park Warden to the E and the proposed new c.3m high gated entrance off Parnell Square West (which will be locked at night) will ensure that the proposed memorial and the existing Garden will be safe and secure.

The Board should note that it would not be possible to have a clear uninterrupted E-W view through the entire site via the proposed covered walkway/tunnel to Parnell Square West. The W section of the Square currently has a low footfall with little potential for passive surveillance, and the surrounding road network is currently dominated by double-decker buses. However it is acknowledged that this could change at some stage in the future.

Given that the Garden of Remembrance is sometimes used by homeless persons at night for shelter, it is possible that the covered walkway would add to the nocturnal attraction of the area as the site can be relatively easily accessed by scaling the low gates at Parnell Square E.

Ceremonial steps to the Lir podium:

The proposed development would entail the removal of a c. 2.5m wide section of the existing steps to the Lir podium. It is also proposed to provide a stone wall along the N and S edges of the cut away steps to protect people from falling into the new walkway below, which is acceptable in terms of public safety. However no safety barrier has been proposed across the top of the exit from the covered walkway into the Garden of Remembrance and there is a c.2.6m drop to the ground at this location.

Notwithstanding this particular safety issue, it was noted that the OPW had concerns about the visual impact of introducing railings along the E edge of the Lir podium on the character and setting of the Children of Lir statue in the event of the podium being made accessible to people with disabilities.

The new civic area and surrounding wooded mound:

The proposed development would comprise the installation of two benches, two planters and two linear falling water features located on either side of the new civic space in the W section of the site at Parnell Square West along with new landscaping at the remaining wooded mound.

The proposed water features would be located between c.1.2m and c.2.5m above ground level and I am satisfied that these features would not present a drowning risk to children because of the shallow depth of the water. However the features could prove attractive to mischievous children on a hot summer's day and a 2.5m high fall from the top of the water feature to the ground below could cause serious damage to a child.

There appears to be a c.1.2m high height difference between the top of the water feature wall and the top of the retaining wall to the rear of the benches located in the W section of the appeal site. I have concerns that this arrangement has the potential to enable access to the wooded mound and to the elevated areas located between the Lir podium to the E and the entrance to the covered walkway/tunnel to the W which are located c.4m and c.6m below. Access to the wooded area could prove attractive to adventurous children and a fall from such a height could be fatal.

6.7 Environmental Impact Assessment

Concerns were raised during the course of the oral hearing that the proposed development may have required an EIS Screening Report.

The proposed development would be located within a Zone of Archaeological Potential for Recorded Monument DU018 020 (Dublin City) which is subject to statutory protection under Section 12 of the national Monuments (Amendment) Act 1994 and within a designated Zone of Archaeological Interest in the Dublin City Development Plan, 2011 to 2017.

The proposed development would be located within an existing mound located at the western extremity of the Garden of Remembrance. The mound was created from the material excavated from the adjacent site during the construction of the Garden of Remembrance in the 1960s. The proposed development would comprise the excavation of a c.50m long section through this mound and under the Children of Lir podium. It would not involve the demolition of any National and/or Recorded Monuments or Protected Structures.

The proposed development is not listed in Part 1 and it does not exceed the thresholds specifically identified in Part 2, of Schedule Five of the Planning and Development Regulations. Having regard to the nature and scale of proposed development and the criteria set out in Schedule 7, I am satisfied that the proposed development would not have any likely significant effects on the environment and an EIS Screening report is not required.

6.8 Other issues

Public participation: this issue was raised during the course of the oral hearing in relation to the role played by the Observers to the appeal at the hearing. In response to this issue I allowed each of the Observers to ask two questions of the parties.

Environmental Services: the proposed arrangements are considered acceptable subject to compliance with Council requirements.

Roads and Traffic: the proposed development would not give rise to any roads or traffic issues.

Residential amenity: the proposed development would not have an adverse impact on residential amenities.

Wind impacts: the adverse impact of high winds funnelling through the proposed covered walkway/tunnel was raised during the course of the oral hearing however it considered that any impact would not be significant.

Appropriate assessment: the proposed development would not be located within or in close proximity to a designated site (SAC or SPA) and screening for appropriate assessment is not required.

Metro North and Luas contributions: The appropriate contribution conditions should be attached

7.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

REASONS AND CONSIDERATIONS

1. The proposed development would be located in Parnell Square which is a designated Conservation Area in the Dublin City Development Plan, 2011 to 2017 and approximately 90 of the buildings located around Parnell Square are listed in the Record of Protected Structures. Section 7.2.5.3 of the Development Plan states that “Conservation Areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city” and the Council will “seek to ensure that development proposals within all conservation areas complement the character of the area, including the setting of protected structures.” Furthermore, Policy FC26 seeks to protect and conserve the city’s cultural and built heritage, Policy FC41 seeks to protect and conserve the special interest and character of Conservation Areas, Policy FC45 seeks to promote the regeneration and enhancement of the north city Georgian squares and Policy FC46 seeks to protect and enhance the important civic design character of Dublin’s squares and historic public spaces. Having regard to the prominent corner location of the proposed development at Parnell Square West, the scale and design of the new civic space, the height of the retaining walls relative to the width of the civic space and the extensive use of steel, it is considered that the proposed development would constitute a visually dominant form of development within the Parnell Square Conservation Area which would in turn have an adverse impact on the character and setting of the surrounding Protected Structures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be located within the Garden of Remembrance at Parnell Square which is a designated Conservation Area in the Dublin City Development Plan, 2011 to 2017. The Garden of Remembrance is the site of the State’s memorial to the men and women who give their lives for the cause of Irish freedom, it is used for State ceremonial occasions and it is of national importance. Policy FC26 of the Development Plan seeks to protect and conserve the city’s cultural and built heritage, Policy FC41 seeks to protect and conserve the special interest and character of Conservation Areas, Policy FC46 seeks to protect and enhance the important civic design character of Dublin’s squares and historic public spaces and Policy FC58 seeks to promote the awareness of Dublin’s military heritage. Having regard to the location of the proposed development in the western section of the Garden of Remembrance and to the rear of the Children of Lir statue, the proposed physical connection between the proposed memorial and the existing memorial by way of passageway under the Children of Lir podium, the removal of the central section of the podium steps which form part of the processional route through the Garden of Remembrance to the Children of Lir statue, and the overlapping nature of the two memorials which commemorate two different historical episodes, it is considered that the proposed development would have an adverse impact on the setting, character and function of the Garden of Remembrance. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would be located within an excavated section of the wooded mound in the western section of the Garden of Remembrance. The proposed new civic space and parallel water features would be defined by retaining walls which rise to a maximum height of approximately 6m to the rear/west of the Children of Lir podium and to a maximum height of approximately 2.5m in the case of the water features. Having regard to the height of the walls, the remote location of the proposed development relative to the Garden of Remembrance, its position to the rear of the Children of Lir podium, the narrow width of the covered walkway/tunnel and the current lack of passive surveillance along Parnell Square West, it is considered that that the proposed development would not provide for a safe and risk free environment as the public could gain access to the elevated sections of the development. The proposed development would endanger the health and safety of persons visiting the memorial which would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Inspector

16th October 2013

APPENDIX 1 - OUTLINE REPORT OF THE ORAL HEARING

Appeal Ref.: PL 29N.242067

Development Proposal:

Planning permission is being sought to provide a “Memorial to the Victims of Abuse in Institutions” at the Garden of Remembrance which would comprise the creation of a covered walkway/tunnel through an existing podium and connecting a new hard and soft landscaped civic area located at the western extremity of the Garden of Remembrance, Parnell Square, Dublin 1.

Venue: Conference Room, An Bord Pleanála, Marlborough Street, Dublin 1.

Dates: 25th and 25th October 2013.

In Attendance:

FIRST PARTY: Commissioner of Public Works

1. Alan Whelan, Planning Consultant with O'Connor Whelan.
2. Bernadette Fahy, Psychologist and member of the Memorial Committee.
3. Andre Negri, Architect
4. James Hennessy, Architect
5. Rachel Emmett, OPW
6. Angela Rolfe, OPW
7. Norma Shine, OPW
8. Sean O'Laoire, Architect and member of the Memorial Committee.

PLANNING AUTHORITY

1. Claire Caffrey, Deputy City Planning Officer
2. Eugene O'Callaghan, Conservation Planner
3. Brian Swan, Deputy City Architect
4. Nikki Matthews, City Conservation Officer

THIRD PARTY

1. Alice Hanratty
2. Michael Heery
3. Mary Kirwin

OBSERVERS

1. Maureen O’Sullivan
2. Irish Georgian Society
3. Stephen Coyne (represented by Meave McMahon)
4. Ruadhan MacEoin (with Peter Sweetman and James Kelly)
5. Mannix Flynn and Niall Ring

NOTE 1: All of the proceedings of the Oral Hearing are recorded and are on the memory key attached to my report. What follows below is a brief outline of the proceedings.

NOTE 2: The assessment in my main report makes reference to details submitted in evidence at the Oral Hearing.

NOTE 3: For a list of prepared texts and other submissions given to the Inspector at the Hearing see the end of this brief outline. These submissions have been numbered and references to same in the outline below directly relate.

Opening of Hearing:

At the outset of the hearing I outlined details of the proposal, the Third Party appeal and the Observations received by the Board and set out the Order of Proceedings.

The Proceedings:

1. First Party.

- Commissioner for Public Works

The applicant was requested to present the proposed development in order to set the context for the Third Party appellant.

2. Planning Authority.

- Dublin City Council

The planning authority was requested to make a submission in relation to its assessment of the proposed development.

3. Third Party appellant.

- Alice Hanratty,
- Michael Heery, and
- Mary Kirwin

The appellants made detailed submissions.

4. Observers.

- Maureen O’Sullivan
- Ruadhan MacEoin (with Peter Sweetman)
- Peter Coyne (with Meave McMahon - written observation noted)
- Irish Georgian Society (Emily Henderson)
- Mannix Flynn

The Observers made detailed submissions.

5. Questions.

Relevant questions were put to the parties in the following order:

- ***The Inspector*** asked questions of the First Party and the Planning Authority.
- ***The Third Party*** left the proceedings and did not ask any questions of the First party or the Planning Authority.
- ***The First Party*** had no questions.
- ***The Planning Authority*** had no questions.
- ***The Observers*** were given the opportunity to ask two questions of the First Party and/or the Planning Authority.

6. Closing Submissions.

Closing submissions were made in the following order:

- Planning Authority
- First Party
- The Third party did not make a closing submission

Inspectors opening comments:

The Inspector introduced the appeal case, checked that all of the parties and observers were present, set out the Agenda for the hearing and explained the procedures and order of appearance.

The Inspector went on to describe the case as being sensitive on several different levels.

- It is historically sensitive because of the association of the site and the surrounding lands with the 11th Century Battle of Clontarf.
- It is architecturally sensitive because it proposes an intervention at one of Dublin's oldest Georgian Squares.
- It is culturally sensitive because the Garden of Remembrance commemorates the men and women who lost their lives for the cause of Irish Freedom.

- And it is socially sensitive because the proposed development will provide a memorial to the boys and girls who were abused in institutions.

The Inspector assured the parties and the observers that she would listen very carefully to all of the issues raised during the course of the hearing and that these concerns would be reported back to the Board.

However the Inspector emphasised that that this was a Planning Hearing and that the Board is legally obliged to determine the appeal case on its planning merits and in the interest of the proper planning and sustainable development of the area.

Applicant's Submissions:

Alan Whelan introduced the proposed development and the members of the OPW team.

Bernadette Fahy set the context for the proposed memorial.

Background:

- Ms Fahy is a Psychologist, author and former resident of Goldenbridge industrial school; she was appointed to the Board of the Commission to Inquire into Child Abuse and the Board of the Residential Institutions Statutory Fund.
- Ms Fahy and Mr Paddy Doyle (also a former resident of the institutions) were appointed to the Memorial Committee which was set up as part of the Governments implementation of the Ryan Report to oversee the design and commissioning of a memorial to victims of institutional abuse.

Context:

- In May 1999, former Taoiseach Bertie Ahern T. D. issued an apology on behalf of the state; he stated that the government wished to make a sincere and long overdue apology to the victims of child abuse; he introduced a package of measures which included the setting up of the Commission to Inquire into Child Abuse which culminated in the publication of the Ryan report in 2009.
- The Ryan Report made extensive recommendations under two headings:

- i. To alleviate or otherwise address the effects of the abuse on those who suffered.
 - ii. To prevent where possible and reduce the incidence of children's institutions and to protect children from such abuse.
- The first recommendation was that a memorial should be erected, that the words of the state apology be inscribed on the memorial as a permanent acknowledgement of their experiences, and that the state's formal recognition of the abuse that occurred and the suffering of the victims should be preserved in a permanent place.

“On behalf of the State and all citizens of the state, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue.”

- The Ryan report was debated in the Dail, an all-party motion accepting all the recommendations was recorded and a committee was appointed to oversee the design and commissioning of a memorial to the victims of institutional abuse.

The Memorial Committee:

- The remit of the Memorial Committee is to:
 - i. Consider the views of survivor groups, survivors and interested parties in relation to the location and nature of the memorial to be commissioned.
 - ii. Make recommendations to the location and nature of the memorial in a manner that best takes account of the views of the groups representing survivors of abuse, survivors and interested parties and to consider arrangements for a national day of remembrance and solidarity.
 - iii. Oversee the commissioning and delivery by the OPW (through competition) of the design and commissioning of the memorial.
- Details of the Committee members, the E500, 000 budget and the consultation procedures were provided.
- The consultation process comprised meetings with survivors groups representing former residents of institutions and other interested parties and the process was widely advertised at home and abroad.

- There was solid support for the project from many of the survivor groups and although some had reservations many of their concerns have since been addressed.

Design competition:

- Details of how the proposals were progressed were provided.
- The site adjacent to the Garden of Remembrance was made available as a permanent location for the Memorial although applicants were not limited to this site.
- The two stages of the completion were widely advertised, 6 of the 32 entries were shortlisted and 4 of the shortlisted entries were for the site at Parnell Square, one was for another location and one did not require a permanent physical site.
- An International Jury selected the winning submission, details of the Jury members and the evaluation criteria are provided and the winning entry “Journey of Light” was announced in July 2012.

Journey of Light:

- The scale and proportion of the spaces conform to the needs of children and adults alike.
- Though adjoining the Garden of Remembrance, the memorial compliments the historical setting of its environs, an aperture placed below the flag directs a shaft of light to the centre of the interconnecting space, which acknowledges the Lir sculpture
- Whilst the Lir sculpture is thought to signify rebirth/resurrection it can also be read as representing lost innocence and a vanished childhood.
- The memorial was welcomed by many former residents including those who had initially been opposed to a memorial.
- The memorial is a symbolic acknowledgement and a place of remembrance and of potential healing where current and future generations will come to mourn those who suffered in institutions.

Memorials:

- Details about the nature and meaning of memorials were provided.
- The proposed memorial is as much about remembering in the present and in the future, as they are about remembering the past and the memorial is a means by which closure can be brought to an issue.

- The designer of the memorial described the memorial as “*An ethical link to the sacred ground of the State and constant reminder that the abuse of our children must never happen again.*”

Statement of Paddy Doyle:

Ms Fahy read the statement of Paddy Doyle who is an author and a former resident of the institutions, and the main points are summarised below.

- The memorial is a fitting memorial to the many thousands of children who were abused in the care of this state and its religious orders.
- The Ryan Report recommended that a memorial to children abused in industrial and reformatory schools be established.
- The Memorial Committee sought the views of all many groups representing survivors/victims on what they felt would be a suitable memorial and there was a variety of views expressed.
- Details are provided of the design competition procedures.
- When the winning entry was announced many of the people who had been opposed to the memorial were pleased with the winning design.
- Although some people would prefer financial compensation, the majority of survivors are firmly in favour of a memorial, not just for themselves but also for their children and grandchildren.
- The Journey of Light, when it becomes a reality in the site, adjacent to the Garden of Remembrance, will live as a testimony to all those who were abused as children and those who carry the emotional and physical scars of the years spent in dark and dank buildings who now want to emerge into the light.

Andre Negri described the process which led to the design of the memorial and responded to the written submissions.

Context:

- Background details provided for the “Memorial to victims of abuse while in residential care, international completion”, the design brief along with specific requirements for the Parnell Square west site.
- In Stage 2, contestants were given a copy of the Framework Plan for Parnell Square 2005 which included suggestions for:

- i. An improved link with O’Connell Street.
- ii. Opening up the central grounds of the Rotunda to the public.
- iii. Planting semi-mature plane trees along the S and W edges.
- iv. Providing a children’s garden and crèche on the NW edge and a cabbies shelter with toilets on the enlarged square.

The Framework Plan also referred to the single access point to the Garden and the restricted access via steep steps and it proposed that:

- v. The lower paved area be raised to reduce the height differential between the upper and lower areas with the aid of short ramps to enable wheelchair and buggy access.

This resulted in the construction of a second access to the Garden from the N in 2006 which greatly enhances permeability.

- A detailed site analysis described the wooded area to the rear of the Garden, the granite boundary wall and railings, the vehicular access to the S, the narrow public footpath and wide busy road.
- A detailed history of the Garden was presented which ranged from the original 1946 design to the introduction of the N access in 2006.

Proposed intervention and response to location:

- Parnell Square was first Georgian Square in Dublin, it is a palimpsest with a rich history, any intervention needs to be carefully considered.
- Certain principles in the Framework Plan were integrated into the proposed Masterplan and many were avoided.
- Competition site and the Garden are zoned Z9 in the Development Plan which seeks “to preserve, provide and improve recreational amenity and open space and green networks.”
- The N-S axis which links the Hugh Lane Gallery across the Garden with a future public link to the Rotunda was described.
- The E-W axis was described as the ordering principle which links the existing and proposed elements together; the new geometry originates where the two axes intersect in the centre of the cruciform, it diverges to create a covered walkway through the existing podium steps and continues in line with the Irish flag to form a succession of spaces with a clearly defined forecourt entrance; Irish limestone will be used exclusively.

- A pedestrian crossing with adjacent accessible parking bays completes the E-W axis, it will reach beyond the site to reduce traffic speeds in the area, further facilitate pedestrian flow into the site and increase permeability across the two sites, enhance passive surveillance which will discourage anti-social behaviour, the 3m high gates will be shut at night, the covered walkway will be lit, and level access will be provided throughout the lower level of the Garden for the first time.
- Although the site and adjoining garden are not protected structures the design respects international conservation principles by upholding respect for the physical, historical and aesthetic character of the Garden and its surroundings.
- The sight lines to the Lir sculpture have been respected and the visual impact of the intervention is sympathetic and kept to a minimum.
- The proposed entrance has a 600mm high up-stand along the existing steps for protection along its edge and relates to the scale of children.
- The existing side gate to the N will be moved slightly to the W for maintenance access; the existing railings and walls (to be removed) will be reused and the future squaring off of the NW corner and pedestrian flow to the proposed DCC library was acknowledged.
- No impact on archaeology as concluded in the Archaeology Report.
- The design reinforces the importance of State vigilance in protecting its most fragile members and it is not an attempt to find closure.
- Proposal creates a fluid progression between the two sites, the Garden commemorates those who died for Irish freedom and the memorial is dedicated to the former residents of institutions.
- The sound and flow of water represents a healing force, niches are placed within the wall for candles during vigils, the scale and proportion of the spaces conform to the needs of children and adults, and the State apology will be inscribed in Irish and English at child's eye level on the walls and it will also be inscribed in Braille.
- The central concept of the saga of the Children of Lir, a bronze bell is inscribed on the floor in the centre of the interconnecting spaces acknowledging the ethereal sculpture above and the ringing of the bell transforms the swans back to humans.
- The iconography signifies rebirth and resurrection, and represents lost innocence and a vanished childhood.

- It is an ethical link to the sacred ground of the State and a constant reminder that the abuse of children must never happen again.

Response to written submissions:

- *Adverse impact on Georgian Square, trees and garden's historic boundary:* the original classical garden is similar in proportion to the Garden and proposal site, there were no trees evident at this location, the gardens were only visible from the houses at Cavendish Street and the proposal highlight the evolution in the design of the square.
- *Quality of tunnel space, 26m long, oppressive and foolhardy:* covered walkway will be adequately lit and the length is proportionate to the rest of the Gardens.
- *Sleeping rough, anti-social behaviour, no passive surveillance as views blocked by double decker buses:* the entrance from the N is successful and enhances permeability, a pedestrian crossing with adjacent accessible parking bays completes the E-W axis, increased permeability will enhance passive surveillance along with the strong staff presence on site and clear E-W views through both sites.
- *Treatment of the sloped ground:* existing shrubbery will be removed and replaced with evergreen material to screen the site and provide a backdrop, landscape and planting details will be agreed with the PA if required to do so by condition.
- *Use of water feature below trees:* will be fitted with a range of devices to prevent/deal with leaf litter and foaming.
- *Quality of new entrance and, limiting street level view:* a clearly defined forecourt entrance proposed with a minimal intervention in the railings, the E-W axis is completed with a pedestrian crossing and new accessible parking bays placed next to the entrance forecourt.
- *Photomontages illustrate an inaccurate relationship between the site and the Gardens; proposal will be shoehorned into an unusable part of the square which does not respect the issue of the square:* reliable data used for construction of photomontages.
- *The design of the monument results in a large orifice like grotto:* a grotto is large solid structure with a shrine, they have a religious function, are meant for pray, are ornamental and they end a vista.

Alan Whelan outlined the relevant planning issues and responded to the written submissions.

Dublin City Development Plan 2011-2017:

- Relevant cultural policies include:
 - i. Policy FC13: protect and support existing cultural assets.
 - ii. Policy FC24: encourage the provision of public art.
- Garden not a Protected Structure, proposed Protected Structure or located within an ACA although there is an ACA to the S of the site.
- Garden is included in a Conservation Area and s.7.2.5.3 of the Plan applies which states that:
 - i. These areas require special care in terms of development proposals which affect structures in such areas.
 - ii. Development proposals should complement the character of the area.
 - iii. Particular regard should be to the effect of a proposal on buildings and the surrounding environment and the immediate streetscape.
 - iv. Development should not constitute a visually obtrusive or dominant form of development.
- Garden is included in DCCs Zone of Archaeological Interest which is based on the Record of Monuments and Places Maps 1994 and an archaeological assessment is required.
- Site is covered by the Z9 zoning objective which seeks to preserve, provide and improve recreational amenity and open space and green networks.
- Proposal complies with the Development Plan's policy of supporting the emerging cultural hub at Parnell Square, it complements the historical setting and draws in a number of iconic sites and it aligns the main E-W axis to the new covered walkway that connects with Parnell Square West and facilitates further interaction with the area.
- Proposal complies with Policy FC24, it animates the public domain and opens up an isolated area of Parnell Square such that it now has direct links to all of the surrounding streets with the possibility of further links to the Rotunda gardens.
- No adverse impacts on the integrity of nearby Protected Structures around Parnell Square.
- No adverse impact on the Conservation Area designation, proposal is consistent with Plan requirements for new development in CAs.

- No impact on archaeology and applicant is committed to undertake monitoring during construction works.
- The memorial and opening up of the garden for public use is compliant with the Z9 zoning objective.

The Parnell Square Cultural Quarter Vision Document (April 2013)

- Council seeks to create a dynamic cultural quarter in the heart of the City at Parnell Square and the main aspects of the Vision are:
 - i. The redevelopment of the Colaiste Mhuire school buildings to accommodate the city library.
 - ii. To landscape the E and W side of the square and improve pedestrian facilities,
 - iii. To fully or partially pedestrianise the N side of the square to create a new plaza for cultural events.
- Proposal will complement the proposals for Parnell Square and will complement the Council's vision for greater pedestrian activity and permeability in the area.

Framework Plan for Parnell Square (February 2005)

- The Plan contains a number of items to achieve the vision of enhancing Parnell Square including:
 - i. Improving the link with O'Connell Street.
 - ii. Opening up the central grounds of the Rotunda to the public
 - iii. Improving the connection with, and use and presentation of the garden of remembrance.
- The Plan outlines a number of specific phased projects objectives which state that the Garden could be significantly improved and made more accessible, inviting, be better used and be safer; key to this is improved accessibility with at least one more entrance on the N side.
- The plan proposed realigning or extending the outer edge to "square-up" the corner the NW corner of the square which would be occupied by a cabbies shelter.
- Proposal complies with the overall objectives of increasing accessibility and permeability in the garden, it allows for access to the lower levels for the mobility impaired people and it allows for the squaring of the square at the NW corner.

Response to submissions:

- *Premature/piecemeal development:* proposal complies with all policy and design documents; standalone project which complements the Garden; the site is not a protected structure, conservation issues formed a large part of the application and it makes sense that these issues and the accessibility issues be re-assessed in two years in line with Condition no.2.
- *Z9 zoning objective:* proposal fully accords with the Z9 objective, it will make use of an unused area and enhance the garden and the proposed use is open for consideration; antisocial behaviour will not occur as the site is protected by a night gate and on site day staff.
- *Protected Structure/Curtilage:* the site is not a PS or a proposed PS; the site does not lie within the curtilage of the Rotunda Hospital PS as there is no functional or remaining historical connection between the two sites which have been in separate ownership for over 70 years; the record of PA clearly states what buildings are protected and DCC did not consider the sites to be part of the curtilage.
- *Split development:* proposal is entirely complementary to the DCC proposals for the N Parnell Square area.
- *Visitor and road safety:* design allows for the extension of the NW corner of the Square as outlined in the 2013 Vision document and 2005 Framework Plan; this extension, together with other traffic calming proposals (including a pedestrian crossing to the W of the entrance) will slow traffic and enhance pedestrian safety.
- *Historical context:* comprehensive historical background of the site provided.

Sean O’Laoire outlined the deliberations of the Memorial Committee and the Design Competition Jury.

Background:

- The remit of the Memorial Committee was set out:
 - i.* Consider the views of survivor groups, survivors and interested parties in relation to the location and nature of the memorial.
 - ii.* Make recommendations on the location and nature of the memorial and to consider arrangements for a national day of remembrance and solidarity.
 - iii.* Oversee the commissioning and delivery by the OPW (through competition) of the design and commissioning of the proposal.

- The Committee's response to its remit was outlined and in addition:
 - i.* The memorial should be sustainable in time to convey the horror of its genesis and to allow for remembrance into the future and to offer a deterrent to the recurrence of abuse.
 - ii.* The process should be open to a breadth of ideas.
 - iii.* The design should be capable of accessed and experienced by the maximum number of citizens over generations to come.
 - iv.* It should be universally accessible.
- Details of the design completion were outlined.
- The profile, culture and remit of the International Jury were outlined.
- The Jury were circulated with 32 submissions resultant from Stage 1
- Applicants were advised that there were no locational, spatial or conceptual boundaries although Parnell Square was mentioned as an indicative possible location.
- Six of the 32 applicants were invited to develop their proposals in Stage 2, the six entrants were reminded of the profound challenge the development of their proposals presented.
- The key directions and conditions pertaining to Stage 2 were outlined (and can be referred to in Mr O'Laoire's written submission).

In relation to the Parnell Square site:

- The State made the Parnell Square site available for the Memorial which is an accessible city centre site in the nation's capital city and the Committee concluded that few, if any, state properties in the city centre could offer an acceptable alternative location and setting.
- Other sites could be chosen although previous applications to locate a memorial in the Phoenix Park were not permitted.
- Additional site information was required including a topographical survey, site services survey and arborist report.
- Memorial should be the focal point within the site and the design should consider the neighbourhood context especially connectivity of the surrounding civic space.

- Materials used must be sustainable, easily maintained, long lasting and appropriate to the design and purpose.
- Proposals must meet the relevant disabled access requirements.
- The successful entry would have to demonstrate how it responded to its contemporary reality, the many layers of history which informed the urban form and the multi-layered history of the Garden up to the current Vision for a Cultural Quarter.
- The Jury were informed of the origins, evolution and ceremonial requirements of the Garden and its public and civic role.
- Hoped that entrants could see linkages and possibilities, which would be inspirational and meaningful without appropriating the core meaning and intent of the symbolism of the Garden of Remembrance.

Winning entry:

- Details of the selection of the winning entry are provided.
- Four of the entrants choose the Parnell Square site, one close Aras an Uachtarain and one was not physical.
- Details of evaluation criteria were provided.
- The Jury unanimously voted for one entrant the “Journey of Light.”
- The winning entry demonstrated how the proposal related to, responded to, and integrated with its setting.
- The winning entry convinced the jury that it was possible for the two entities, both with deep commemorative and symbolic dimensions, to co-exist and share elements of symbolism and physical connectivity, without loss of meaning or dignity, purpose or function.
- The winning entry also increased universal access and passive surveillance which would also enhance security and help deter anti-social behaviour.
- There is a shared symbolism in the Children of Lir myth.

Planning Authority Submissions:

Ms Caffrey described the Planning Authorities assessment of the planning application with regard to:

- Development Plan requirements.
- Site description.
- The proposed development
- Unsolicited Further Information.
- Appropriate Assessment.
- Pre planning consultations.
- Planning history of the site.
- Interdepartmental reports from:
 - i. The City Architect
 - ii. The City Conservation Officer
 - iii. The City Archaeologist
 - iv. The Drainage Division
- Objections and observations which relate to culture, and conservation, location, design, piecemeal development and anti-social behaviour.
- The response to the Additional Information request.
- The subsequent interdepartmental reports.
- The Planning Officer’s evaluation of the proposed development and recommendation.
- The decision of DCC to grant planning permission subject to 11 conditions.

Ms Caffrey concluded by stating the grounds of appeal raised by the Third Party appellants were previously raised and considered by the planning Authority in the assessment of the planning application and no further comments were made.

Third Party Appellant's Submissions:

Ms Hanratty commenced her presentation by reading the *ashling* “We saw a Vision” by Liam Mac Uistin in the Garden of Remembrance.

- The words were carved into the stone as part of the memorial to those who sacrificed their lives for this country in the Easter Rising in 1916 and the War of Independence that followed.
- The state now wishes to install a monument to commemorate those who were abused in institutions for which the state and the church were responsible.
- Details of the projects genesis and subsequent progress were provided.

- There is no record on the appeal documentation of any discussion on the part of the applicants or DCC planners on the issues raised by this appellant in relation to desecration of the national memorial to patriots who sacrificed themselves for Irish freedom.
- The current commemorations of the 1913 Lockout relate to people for whom the Garden of Remembrance was created.
- Descriptions of the proposed memorial are in “architect speak and waffle” which attempt to rationalise decisions already made with flawed and meaningless statements as to form and intent for an inappropriate project.
- Official Ireland is suffering from Post-Colonial syndrome and the state wishes to down play the events of 1916 and the War of Independence by initiating a process of allowing the memory of our patriots to become degraded by associating them with the abuse of children.

Ms Kirwin also raised concerns in relation to the impact of the proposed development on the garden of Remembrance.

Mr Heery set the main context for the appeal submission:

- The proposal would result in a dramatic change of function for the Garden of Remembrance by transforming it from a place of noble national commemoration to one of commemoration of the gross ignobility of childhood sexual abuse.
- The Garden fulfils the demand of the people of Ireland as expressed in the Preamble of the Constitution to commemorate all those who gave their lives for our freedom.
- None of those commemorated in the Garden has anything to do with childhood sexual abuse.
- The Supreme Court ruling on the Derrynaflann case was cited in relation to the constitutional principles relating to the protection Irelands national heritage which also apply to the Garden of Remembrance.
- The Planning Officer did not have due regard to this ruling.
- Dublin City Councillors passed a motion on 3rd December 2012 calling for this site to be a protected as a memorial and a heritage site of national importance.
- To permit the proposed development would be a failure in the fundamental duty of the Sate to safeguard national assets.

- The Planning Officers report appears to be at odds with the reports of the Conservation Officer and the City Archaeologist.
- It reflects poorly on State officials that the Garden is not listed as a Protected Structure or National Monument although the site is managed by the OPW under the heading National Historic Properties and the OPW look after the site as “a national memorial to all those who laid down their lives in the fight to establish an Irish republic.”
- The Conservation Officer’s report provides a list of some but not all the historical events of national importance related to the site but describes the intervention in the historic stone steps as “low key “and omits to reference the nearby foundation of the Irish Volunteers in 1913 which was referred to during the inauguration by de Valera of the memorial.
- Several Heads of State have climbed the ceremonial steps in the past to lay wreaths before the Lir statue and those who do so in the future will have to contemplate the sexual abuse of children.
- Liam Mac Uistin’s poem is prominently inscribed in characters of Gaelic script highlighted in gold leaf and translated into English and French and the proposed addition of the State apology in the space underneath the Lir podium is inappropriate.
- Other civilised European nations would never touch a memorial like the Garden of Remembrance.
- The proposed development/memorial fails to comply with several Articles in the Venice Charter 1964:
 - i. Article 5 of the due to changes in layout and decoration.
 - ii. Article 6 due to new construction, demolition and modifications to the original.
 - iii. Article 13 due to additions which detract from the original, and
 - iv. Article 14 for failure to safeguard the integrity of the Garden of Remembrance.
- The proposal infringes the right to have authentic testimony of cultural heritage as enshrined in Article 1 of the Constitution; it is incompatible with the aforementioned Supreme Court judgement and the ICOMOS Stockholm Declaration of the 50th anniversary of the Declaration of Human Rights in 1998.

- A detailed comparison with other national monuments in several European countries was provided.
- Proposal would have an adverse impact on the many Ceremonial events which take place in the Garden of Remembrance.
- The proposed memorial would be difficult to maintain and it would attract anti-social behaviour and it would allow access to the secluded wooded area to the W which would in turn seriously injure the amenities of the Garden.
- The Millennium Peace Park at Christchurch Place is continuously locked up for reasons related to anti-social behaviour.
- Strong winds would funnel down the proposed tunnel at great speed which would interfere with ceremonial activities and compromise the characteristics of the site.
- The design of Oisín Kelly's Lir sculpture was inspired by the poem Easter 1916 by W B Yeats with its central idea that men at certain moments in history are "transformed utterly" and the statue uses the Children of Lir story to represent the agony of transformation and not "lost innocence" as suggested by the applicant.
- The proposed memorial which change the central focus of the Lir sculpture.

Response to applicant's submission:

- Proposal does not comply with the historical context of the Garden; the design competition was flawed from the outset; the report emphasises the emotional input and impact of the proposal; and there was a lack of democracy and transparency in decision making.
- The Report links those who died for Irish freedom with child abuse, the Lir story has nothing to do with "lost innocence" and the reference to the "ethical link to the sacred ground of the state" confirms the inappropriate connection.
- The report is contradictory as it describes the site as forming a backdrop to the statue while also stating that it doesn't perform any particular function.

- The site provides a visual backdrop to the statue and serves as a marshalling area for the Guard of Honour, a service area and for access to the pump houses.
- Consider the Garden to be a protected national monument and the proposal contravenes Section 7.2.5.3 of the Development Plan.
- The proposed tunnel from E and W constitutes a visually obtrusive and dominant development within the Garden, contrary to section 17.10.8.1.
- The site has historic and archaeological significance.
- The Arboriculture report concludes that a very large proportion of the trees which form the backdrop to the Lir Statue will have to be removed and others will be seriously threatened and it will take decades for the tree cover to be restored.

Observers Submissions:

Maureen O’Sullivan is an independent TD for Dublin Central where the Garden of Remembrance is located and she is a former history teacher who objects to the proposed development:

- Inappropriate to interfere with the integrity of the Garden of Remembrance monument.
- The Garden is a monument of national importance regardless of the debate around its designation and it must be preserved and respected for what it is.
- The Garden is about acknowledging our history, 800 years of occupation by a foreign power, numerous efforts to achieve independence and it is about remembering the people who gave their lives to achieve a sovereign Irish state which culminated in the Easter Rising and the War of Independence.
- There are many monuments throughout Europe which commemorate those who fought for freedom and independence none of which is shared with a memorial which commemorates a very different event.
- We honour those who died for our freedom and abhor those who committed atrocities in institution, it is not appropriate that the monuments should be in the same space and as each group deserves their own individual and separate fitting and dignified monument.

- The sculpture at Kilkenny Castle to the Irish women who disappeared was made from the casts of almost 90 handprints provided by the family members.
- The proposed monument is not a collaborative effort and it does not have the universal support of victims as with the Kilkenny sculpture.
- One of the difficulties in getting consensus is that it is too soon after the enquires and there are disagreements among the survivors on the proposed statue and the wording of the apology or the need for it.
- A monument is not appropriate until all of the investigations into the institutions have been fully completed.
- The proposed monument to survivors in the Garden of Remembrance does not serve the points made by the Ryan Report and Minister Quinn in relation to keeping alive the memory of those who suffered or as a reminder to prevent future similar crimes against children.
- When the time is right the monument should have its own space.
- The area around Garden of Remembrance is steeped in history and the Garden of Remembrance is central to that historic significance; it is a lovely monument in contrast to some subsequent local decisions.
- It would also be insulting to the work of Daithi Hanly, Oisín Kelly and Liam MacUistin to interfere with the integrity of the Garden.

Niall Ring is a member of Dublin City Council and a local resident who objects to the proposed development:

- His family were involved in the Easter Rising and the occupation of the GPO although the Garden of Remembrance is also about previous battles for Irish freedom.
- Proposed memorial would sully the memory of the patriots by associating them with the child of children that the State turned a blind eye to for a long time.
- DCC passed a motion in December 2012 to commence the procedures required to make the Garden a Protected Structure.
- Support the need for a memorial but the choice of location is inappropriate.

Ruadhan MacEoin is an Art Historian, journalist, founding member of the Mountjoy Society, a planning student and a local resident who objects to the proposed development:

- The Garden of Remembrance is located in Dublin's oldest Georgian Square and it forms part of the curtilage/attendant grounds of the Rotunda Hospital Protected Structure.
- Serious concerns about the handling of the proposal by the Planning Authority.
- Support the need for a memorial but the choice of location is inappropriate and there are many other more suitable locations in the City for the proposed memorial.
- The site is too constrained; it is not adjacent to the Garden of Remembrance as stated but an integral part of the Garden.
- The proposal would permanently bind together the memorial to those who died for Irish freedom with a memorial to those who were abused by the church with the cruciform pool as the connecting point.
- The proposed memorial would resemble a religious grotto and the orifice element would be problematic in terms of encouraging anti-social behaviour.
- DCC has integrated the proposed memorial into their Vision for Parnell Square Cultural Quarter.
- There is a lack of reference to on-going developments in the area and there is no proper appreciation of the context.
- The number and type of conditions attached to the DCC decision to grant permission and the speed at which the decision was made imply that the Planning Authority had reservations.
- The Architect for the proposal did not display an in-depth appreciation of Dublin's Georgian Squares and the proposal is located within the curtilage of the Rotunda Hospital Protected Structure.
- The Architect also referred to the E-W axial link through the Garden which would connect to a pedestrian crossing and accessible car parking bays at Parnell Square West which would in turn act as a traffic calming initiative - this area is outside the applicant's control, DCC traffic division has no such plans for the area and the proposed

entrance off Parnell Square West would contribute to problems of pedestrian safety in the area.

- The Architect refers to the Parnell Square Framework Plan of 2005 which was a non-statutory document that is no longer contained in the current DCC Development Plan.
- The Parnell Square Vision for 2013 is aspirational with no worked up proposals or statutory basis.
- The O'Connell Street LAP 1999 is the only statutory plan for the area and it was never fully implemented.
- An Appropriate Assessment of the potential impact of the proposal on European Sites within a 5km was legally required although there was no similar heritage requirement despite the cultural, historical and architectural context of the area.
- DCC has a poor record in dealing with contemporary interventions to the N Georgian Core and two examples were cited.
- Proposed E-W axis is not a desire line, there is no need for an additional entrance or route through the Garden of Remembrance, examples of access points and routes across open spaces were cited.
- EIS screening was not undertaken for the proposed development despite its location within the Recorded Monument of Dublin City, although the proposal is sub-threshold it would fall within Schedule 7 of the 2000 Regulations in relation to the culture and heritage and a precedent for requiring a EIS/EIA for a national monument was set by the Spire on O'Connell Street.

James Kelly made a presentation on the history of the Parnell Square Pleasure Garden on behalf of Mr MacEoin:

- Mosse acquired land from Luke Gardiner and developed a Georgian Pleasure Garden at Rutland Square which was the fashion in England and the US in the mid-18th Century.
- The Pleasure Garden comprised (among other things) a sunken garden in the centre, a bowling green, an elevated area to the N for the orchestra, a Chinese Garden and entrances off the NE and NW sides of the square which were defined by Tuscan temples.
- The monies raised from the entry fee to events in the Pleasure Garden was used to partly fund the Lying-in hospital and the Gardens were

later enclosed by a granite wall and iron railings, the original layout of the gardens and the perimeter remain intact to this day.

- The N section of the Pleasure Gardens was donated to the State in the late 1930s as a site for the Garden of Remembrance and the hospital buildings gradually extended into the remaining Pleasure Gardens although all the elements of the 18th Century Pleasure Gardens remain, namely the gardens, assembly rooms, terraces, monumental obelisks and rotunda.
- Parnell Square is the last of the Georgian Pleasures Gardens and it is the sole survivor which is of national and international importance.

Peter Sweetman (on behalf of Mr MacEoin) asked if an EIS screening report had been carried out of the proposed development.

Emmeline Henderson of the Irish Georgian Society objects to the proposed development:

- Raised similar concerns to those raised by Mr MacEoin and Mr Kelly.
- Acknowledged the need for a memorial but objected to the location at Parnell Square and within the Garden of Remembrance as the applicant did not take due regard of the architectural heritage significance of the site.
- Parnell Square is one of Ireland's finest Georgian architectural ensembles which is "a rare surviving urban space of international significance."
- DCC should have used its discretionary powers to request the applicant to carry out an EIA given the architectural, historic and cultural associations of the Square.
- As the site is located within the curtilage of the Rotunda Hospital Protected Structure the site must be given all the protection offered under Part IV of the Planning & Development Act, 2000 and that Chapter 13 (Curtilage and Attendant Grounds) of the Architectural Heritage Protection Guidelines apply.
- The site forms part of the historic Pleasure Gardens which is the sole surviving Pleasure Garden in Europe and it contains many of the original elements of the 18th Century Gardens.
- The proposed development would represent a further insensitive incursion into the designed landscape and curtilage of the Rotunda Hospital.

- Parnell Square should be urgently appraised by DCC and afforded the protection of a statutory ACA and, as far as practical, DCC should consider the conservation and restoration of the 18th Century Gardens.

Mannix Flynn is a member of Dublin City Council and he is an author, actor and a former resident of several residential institutions. He requested that the Board specifically listen to his section of the digital recording which outlines his personal experience in residential institutions from a very young age. He objects to the proposed development for the following reasons:

- The City Council unanimously agreed to make the Garden of Remembrance a Protected Structure in December 2012 and the City officials have not yet implemented this decision.
- Inappropriate to interfere with the integrity and single purpose of the Garden of Remembrance.
- The State has not yet been investigated for its role and collusion in institutional abuse and a State memorial is therefore inappropriate as it gives credibility to something without credibility.
- The proposed memorial would be positioned too closely to the existing symbols of the Church and State.
- The rationale for the memorial contains no details of means, purpose or function; it is premature as other institutions have still to be investigated both at home and abroad and the process is being unnecessarily rushed.
- There is no consensus among the former residents of institutions in relation to the proposed memorial.
- Proposal will destroy the character and setting of the Garden of Remembrance which represents freedom from tyranny and no child will be made safer as a result.
- Inappropriate location for the proposed memorial, it will not heal, it is unclear who it will represent, this is the first time abuse issues have been presented to a public body and the issues are far from closed.
- Proposed memorial would represent a waste of public money as funding cuts are currently affecting vulnerable children.
- Serious concerns raised in relation to the E-W axis, the entrance off Parnell Square West, the impact on the Lir statue, the attraction of

anti-social activities and the use of a dark dank tunnel as a memorial is unacceptable.

Cross questioning:

Inspector's questions to the First Party:

1. **Safety concerns:** will children be able to access the water features and the wooded area and would it be possible for them to fall from the wooded area on to the podium – *the design of the memorial complies with all safety standards.*
2. **Location of words:** The state apology is located at child's height, however the apology was made to adults who were abused as children so would it not be more appropriate to locate the apology at a higher level at adult height - *the apology is located at the appropriate height for a child to read without having to be picked up.*
3. **Children of Lir statue:** whereabouts in the Garden will the Lir statue be stored during construction works and is this area large enough to accommodate the statue - *the statue will be stored on the grassed area to the SE of the podium.*
4. **Disabled access arrangements:** why did you decide not to avail of the opportunity to make the Children of Lir podium more accessible to people with mobility difficulties? It seems like a missed opportunity not to have designed a low key disabled access from Parnell Square North across the planted area to the North East of the podium – *access to the podium would require several interventions including the need for safety rails around the podium to prevent accidents which could interfere with the integrity of the statue and the Garden will be the subject of a full disabled access audit in the near future.*
5. **Monument definitions:** Ms. Rolfe from the OPW was asked to define a National Monument and a Recorded Monument – *details provided.*
6. **Monument designation:** Ms. Rolfe from the OPW was asked who was responsible for designating a monument - *the decision to designate is a policy decision which rests with the Government whilst the role of the OPW is to manage the sites.*

Inspector's questions to Planning Authority:

1. **Rotunda hospital Protected Structure:** does the appeal site fall within the curtilage of this Protected Structure - *the Record of Protected Structure lists all of the buildings which are covered by the PS designation and the Garden of Remembrance is not included, ownership of the lands changed c.70 years ago and the two sites have had no functional link for a very long time.*

2. **Protected Structure status:** can you confirm whether or not the Garden of Remembrance is a Protected Structure or a proposed Protected Structure – *the City Council passed a motion in December 2012 to designate the Garden as a Protected Structure, however the evaluation process cannot commence until after this appeal has been determined for legal reasons.*
3. **Proposed Protected Structure:** at what stage or date will the Garden become a proposed Protected Structure – *the evaluation process cannot commence until after the planning appeal has been decided by the Board as the Council’s Motion to have the Garden designated was made during the lifespan of a planning application.*
4. **Architectural Conservation Area:** are there any proposals to designate Garden of Remembrance as an ACA – *the ACA designation is not usually applied to a specific place but a wider area.*
5. **Parnell Square Framework Plan 2005:** what is the current status of the Parnell Square Framework Plan – *it has no legal status and it is not included in the Dublin City Development Plan, 2011-2017.*
6. **Parnell Square Cultural Quarter Vision Document 2013:** what is the current status of this proposed Cultural Quarter – *it is aspirational without any detailed proposals or legal status.*
7. **Traffic issues:** Are there any traffic calming or pedestrian proposals for Parnell Square – *there are no such proposals for the area.*

Inspector’s questions to the Third Party and Observers:

1. **Nature of objection:** if the proposed development was simply a proposal to provide an entrance to the Garden of Remembrance from Parnell Square West which had no association with any form of memorial would you still object to the proposed works - *the answer was in the affirmative from the remaining Observers and the Third Party had left the proceedings without making a response.*

Cross party questions:

- No questions.

Observer’s questions:

- Each of the remaining Observers were given the opportunity to ask two questions, however the questions did not raise any planning issues that had not already been addressed during the course of the hearing.

Closing submissions:

- The closing submissions by the Planning Authority and the First Party raised no new issues and the Third Party did not make a closing submission.

Closure of Hearing

I concluded the hearing by informing the parties that each will be informed of the Board's decision in writing.

The hearing was formally closed.

SUBMISSIONS AT ORAL HEARING

The following is a complete schedule of copies of prepared submissions to the Oral Hearing and other references given to the Inspector:

Applicant's Submissions

- a. Statement of Evidence of Bernadette Fahy (and Paddy Doyle), members of Memorial Committee
- b. Statement of Evidence of Alan Whelan, Planning Consultant
- c. Statement of Evidence of Andre Negri, Architect
- d. Statement of Evidence of Sean O'Laoire, member of Memorial Committee

Planning Authority Submissions

- a. Statement of Evidence of Claire Caffrey, Deputy City Planning Officer

Third Party submissions:

- a. Statement of Evidence of Alice Hanratty
- b. Statement of Evidence of Michael Heery

Observers:

- a. Statement of Evidence of Maureen O'Sullivan
- b. Statement of Evidence of Emmeline Henderson, Irish Georgian Society
- c. Photographic Evidence by Ruadhan MacEoin
- d. Booklet by Mannix Flynn

Karla Mc Bride

Senior Inspector

16th October 2013