



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-305919-19**

Strategic Housing Development	344 no. dwellings and crèche
Location	Clonminch Road, Tullamore, Co. Offaly
Planning Authority	Offaly County Council
Prospective Applicant	Steinfort Investments Fund
Date of Consultation Meeting	6 th January 2020
Date of Site Inspection	30 th December 2019
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The development site approx. 2.2km south-east of Tullamore town centre. The lands approx. 11ha forms part of a much greater portion of lands that are identified as being within the 'Tullamore Southern Environs' Masterplan area. The site is located within the 'Eastern Node' identified within the masterplan area.
- 2.2 The lands within the red-line boundary are bounded by the N52 to the south and south east the Dublin-Galway railway line to the north and north east. The lands have limited site frontage to the Clonminch Road to the western boundary and bound existing residential properties which are accessed from Clonminch Road (R443).
- 2.3 The lands are currently greenfield and generally flat. ESB lines traverse the south and south eastern lands. The immediate area is generally characterised by low residential density development. There are neighbourhood facilities including a 'Tesco Extra' store and 'Aldi' located approx. 900m north of the site (at its nearest point to the site boundary). This retail development is accessed off the R420/ N52 roundabout.

3.0 Proposed Strategic Housing Development

- 3.1 It is proposed to construct 344 residential units on the site of c.11 ha gross. The proposal also provides for the construction of a crèche of approx. 668.5sq.m.
- 3.2 The prospective applicant indicates that an EIAr is to be submitted given the site area.
- 3.3 The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Mix	Housing Units	% Mix bed type
1 bed	38	10%
2 bed	84	25%
3 bed	179	52%
4 bed	43	13%
Total	344	100%

4.0 Planning History

There does not appear to be any planning history associated with the lands.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2018'.
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local

5.2.1 Tullamore Town and Environs Plan 2010-2016

This plan has been extended to 2020. The lands are zoned for 'residential' use. Part of the site along the eastern boundary is zoned 'neighbourhood centre'.

There have been three variations to the development plan which should be read in conjunction with the main plan. Of particular relevance are the following objectives:

SO3 To facilitate the sustainable phased expansion of the town into the masterplan areas in a coherent manner which facilitate complete integration between the town and its environs.

SO4 To help meet the growing residential, services, employment and community requirements of the town in a sequential manner in line with proper planning and sustainable development.

SO6 To develop each masterplan area as a partially self-sustaining neighbourhood with a mix of land uses which facilitates the provision of local services that will reduce the requirement for movement and which helps foster a sense of community among local residents.

SO9 To seek the efficient use of existing infrastructure and services. Where necessary, the Council will facilitate the upgrading of existing infrastructure and services, or when required, the provision of new infrastructure and services, to facilitate development within the masterplan areas.

SO10 To promote and require the use of best practice urban design principles in all developments within the masterplan areas.

SO11 To promote and seek high quality standards of design in all new developments.

In relation to the housing, there is an objective

HO4 A variety of appropriately located densities should be provided within the masterplan lands. Each node must deliver an appropriate mix of densities to cater for a range of housing needs. These densities shall be specified in the individual masterplan that is required to be submitted for each node. The Planning Authority shall have regard to the current DoEHLG's guidelines on density when assessing masterplan applications for each node.

It is the policy of the Council that a detailed masterplan shall be prepared for each of the nodes in consultation with the Planning Authority prior to the submission of a planning application for the development of that node.

Table 5.5. of the Development Plan includes detailed objectives in relation to the development of the masterplan lands.

It is noted that Variation No. 2 of the Tullamore Development Plan relates to the Core Strategy and sets out that

“This core strategy will take a sequential approach to the development of land, with lands closest to the town centres designated for development within the lifetime of this plan. Lands outside of Phase 1 of the master plan areas will not be considered under the lifetime of this plan. The amount of Phase 1 lands which will be available for residential development will be controlled as is already provided for within the plan (up to 25% of Phase 1 Residential lands will be available for development, during the lifetime of this plan).

Section 3.5.1 of the variation sets out that “the Councils will implement a strict ‘sequential approach’ when assessing development applications. This is set out in the amended TTEP P04-01 and also included as an aim of the Core Strategy. Proposals that do not comply with the sequential approach will not be favoured”.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority’s submission and the discussions which took place during the tripartite consultation meeting. I will provide brief detail on each of these elements hereunder.

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Masterplan for the Eastern Node; Statement of Consistency and Statement of Material Contravention; Engineering report; Archaeological report; Traffic and Transport Assessment; Architectural Design Statement; Flood Risk Assessment; and other plans and particulars.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Offaly County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinions in relation to the proposal. These were received by An Bord Pleanála on 13th December 2019.

6.2.2 Offaly County Council's opinion included the following matters:

- Tullamore Town and Environs Development Plan has been extended to 2020.
- The site is located within a masterplan area know as the 'Tullamore Southern Environs'.
- Variation no. 1 of the Development Plan relates to the variation of zoning on lands within the Southern Environs Masterplan which do not form part of the subject site.
- Variation no. 2 of the Development Plan relates to phasing of development including the masterplan areas.
- The site is zoned for residential and neighbourhood centre. Proposed development is compatible with land use zoning.
- The proposal includes the development of lands identified as 'third phase'. The applicants have submitted a Statement of Material Contravention.
- It is the planning authority's opinion that sufficient lands are zoned for residential purposes on lands zoned for phase 1. In this instance, the

applicant's landholding extends to a significant additional portion of lands in phase 1.

- A foul pumping station is required to service the development.
- The environmental section and water services department have indicated that they are not in favour of sewage effluent being contained in holding tanks on site and discharging to the foul network at times of low flow. The current network is under severe pressure after heavy rainfall.
- Proposal maybe premature pending upgrades and necessary infrastructure.
- Irish Water has advised following upgrade works at Clonaslee Water Treatment there will be sufficient water capacity.
- Development Plan identifies a need for a strategic road and bridge over the railway to open up these lands and lands east of the railway line for development. The route alignment of this road is paramount to the overall strategic development of lands in the Eastern Node of the Southern Environs and it is considered that greater consideration and consultation needs to be undertaken to secure the relevant objectives.
- The roads report set out additional matter that need to be addressed.
- Little or no meaningful engagement has taken place in relation to the development of the masterplan. A thorough masterplan, informed by detailed consultation, should inform the development proposals.
- Further consideration should be given to the development strategy for the site in respect of the proposed layout, urban design response, unit mix and typology and density of the proposal.
- Further consideration should be given to the qualitative nature of the public realm including the interface of the proposed development with the principal link street and delivery of attractive streetscapes with a sense of place.
- Further consideration should be given to the qualitative nature including the location and distribution of public open space.
- While the overall proposed density of 35 dwellings to the hectare is considered appropriate, it is considered that a greater mix of density should be provided for across the site and masterplan lands.

- A greater mix of housing is desirable.
- The site is not prone to flooding or at flood risk.
- It is considered that the proposal for 4 no. large attenuation tanks to manage surface water fails to deliver sustainable drainage systems.
- Housing section are not in favour of apartments for part V.
- Development would require the preparation of an EIA.
- Planning Authority's opinion that the proposed development is premature as it is constrained by the capacity of existing sewerage facilities.
- Proposal does not accord with the phasing arrangements as set out in the Tullamore Town and Environs Development Plan.
- No regard has been given to the objectives in the Development Plan relating to the provision of a strategic road network.

Housing Department Housing not in favour of apartments

Architectural Report Site falls within 'edge of centre site' and the planning guidelines indicate a density of 20-35 units per hectare. This would allow a reduction in numbers more in keeping with the scale of neighbouring residential areas. Scheme to have regard to DMURS. Main access route needs consideration.

Environment and Water services Hydrographic report required of the existing open drain ditch. Concerns about the proposed storage of the 1% AEP event in above ground open space areas. Not in favour of sewage effluent being contained in holding tanks on site. Current network is under severe pressure after heavy rainfall. Proposed development maybe premature.

Roads Design Proposed link road does not satisfy Council's objectives as details are restricted to applicant's lands. No evidence that adjoining landowners have been consulted. Specific concerns regarding the development are set out in the report.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Offaly County Council on 6th January 2020, commencing at 11.00 am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as follows:

1. Local Planning Policy provisions in respect of inter alia, Masterplans and phasing arrangements in respect of masterplan lands
2. Development strategy for the site to include inter alia DMURS, layout, green infrastructure, urban design response.
3. Surface water management to include comments in Planning Authority's opinion
4. Traffic and Transportation to include consideration of comments in the planning authority's opinion
5. Any other matters

6.3.2 In relation to local planning policy provisions in respect of inter alia, masterplans and phasing arrangements, ABP representatives sought further elaboration/discussion on inter alia, hierarchy of masterplans, function and inter-dependency of the masterplans in respect of the nodes within the Tullamore Southern Environs area, and level of engagement with other landowners and phasing requirements.

6.3.3 In relation to development strategy for the site to include inter alia DMURS, layout, green infrastructure, urban design response, ABP representatives sought further elaboration/discussion on inter alia, how proposed strategy and layout including phasing arrangements will ensure the delivery of high quality design and sustainable neighbourhoods, is consistent with the principle of DMURS, delivers the specific objectives identified in the masterplan.

6.3.4 In relation to Surface water management to include comments in the Planning Authority's opinion, ABP representatives sought further elaboration/discussion on this issue including comments from the planning authority and Irish Water in respect of other services.

- 6.3.5 In relation to Traffic and Transportation to include comments in the Planning Authority's opinion, ABP representatives sought further elaboration/discussion on this issue in particular the delivery of indicative link road through the lands and connection to the bridge over the rail-line.
- 6.3.6 In relation to Other Matters, ABP noted the any EIAR should consider cumulative impacts, NIS should consider in-combination effects, Part V details including costings required at application stage.
- 6.3.7 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-305919-19' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Core Strategy and Phasing

Further consideration of the Core Strategy for the County and Tullamore town and its environs and a clear justification for the release of the subject lands at this time having regard to the development plan provisions in particular the local planning policies and objectives regarding the phasing and release of masterplan lands.

Consideration should be given to policy TTEP 04-01 regarding the implementation of a sequential approach and further elaboration of how the release of lands within Phase 1 could be considered to consolidate the urban form at this location and realises the aims of the core strategy set out in section 3.2 of the adopted Variation No. 2 to the Tullamore Town Environs Development Plan 2010-2016.

Where it is proposed to develop on lands identified as Phase 3, a clear rationale/justification should be provided which considers, inter alia, national and local policies in particular the role of Tullamore as set out in the Regional Spatial and Economic Strategy and the inter-dependency of each of the nodal areas identified in the Tullamore Southern Environs Masterplan and the suitability of the release of such lands at this stage. Where the proposal is considered to materially contravene the Tullamore development plan then a statement should be submitted indicating why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000 as amended.

Consideration should also be given to the infrastructural constraints that currently exist and the timing of upgrades to water and waste water networks and treatment plants as proposed and how this may impact on the realisation of the development. Consideration of this issue should be given in the context of the provisions of the core strategy and phasing arrangements.

2. Masterplan for the Eastern Node

Further consideration of the proposed masterplan for the eastern node as it pertains to the delivery of the specific objectives contained in Chapter 4 of the Tullamore Town and Environs Plan 2016. Consideration/further elaboration should be given to the location, delivery and timing of inter alia, road infrastructure upgrades including the bridge crossing to the north, school site and neighbourhood facilities. The masterplan for the Eastern Node should contain indicative layouts to ensure any future proposals by individual landowners within this area are consistent with the

principles and vision set out in the Masterplan and that the interface of any proposals with, inter alia, the railway line and neighbourhood lands are well-considered.

Details of any engagement including any further collaboration with statutory consultees, prescribed bodies or other interested/affected parties in respect of the masterplan plan lands should be provided so as to demonstrate how the proposed masterplan for the Eastern Node satisfies the requirements of the development plan in this regard.

Further consideration of these issues may require an amendment to the documents and/or design proposals.

3. Urban Design Response, Layout and Density

Further consideration and/or justification of the documents as they relate to the rationale for the proposed residential layout, architectural form and urban design response with particular regard to the creation of distinct neighbourhood areas within the overall site and the wider Eastern Node Masterplan lands.

Consideration should be given to how the proposed layout creates active and aesthetically pleasing urban street frontages with a sense of enclosure and how the proposed elevational treatments respond to the site context creating focal points within the scheme. Consideration should also be given to the interface of the development site with the adjoining neighbourhood lands to ensure a coherent and qualitative design response.

Further consideration of how the layout, future connections and access arrangements are consistent with the principles of Design Manual for Urban Roads and Streets should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Green Infrastructure

Further consideration and/or justification of the documents as they relate to the consideration of Green Infrastructure and the provision and arrangement of green corridors and public open space within the development lands and the wider masterplan lands in the Eastern Node including accessibility for pedestrians and cyclists and provision of optimal passive surveillance to these areas.

Further consideration should be given to the proposed landscaping plan and the hierarchy, function and usability of public open spaces including the use/linking of green corridors throughout the scheme. All proposed SUDs features should be clearly identified on a site layout plan with proposals as to how the features will enhance/contribute to a sense of place. Computer Generated Images and cross-sections should be submitted to show changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A contextual layout plan which indicates the layout of adjoining developments, photomontages and cross section at appropriate intervals for the proposed development including details of how the proposed development interfaces with contiguous lands in particular the rail-way line to the north and existing residential developments.

2. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
 3. A construction waste management plan should be provided.
 4. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.
 5. A phasing plan for the proposed development which has particular regard to the provision of the strategic infrastructure identified in the Tullamore Southern Environs Masterplan as it relates to the development site and surface water management.
 6. A site layout plan indicating all areas to be taken in charge.
- 8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Irish Water
 2. The Minister for Culture, Heritage, and the Gaeltacht
 3. The Heritage Council
 4. An Taisce – the National Trust for Ireland
 5. Transport Infrastructure Ireland
 6. Iarnród Éireann
 7. Commission for Railway Regulation

8. Local Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

14th January 2020