



An  
Bord  
Pleanála

**Board Direction**  
**BD-006963-20**  
**ABP-307832-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/11/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The design of the proposed Link Street, which is identified as an objective of the development plan for these Masterplan lands, linking Clonminch Road / R443 to the west and Chancery Lane to the north, is substandard in terms of its horizontal alignment and fails to have adequate regard to its strategic function and to the provisions of the Design Manual for Urban Roads and Streets in relation to such routes. The proposed development would therefore result in an unsatisfactory standard of development and would be contrary to the proper planning and sustainable development of the area.
2. The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria for such development, including context, connections, layout, public realm and distinctiveness. The Design Manual for Urban Roads and Streets (DMURS) provides further guidance on the design and layout of streets in terms of the creation of sense of place.

It is considered that the proposed development is dominated by roads and surface car parking and results in a poor design concept for the site that is substandard in its form and layout, fails to establish a sense of place, and includes a poor quality of urban and architectural design. The development would therefore be injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual – a Best Practice Guide, in particular criteria number 2 Connections and number 7 Layout, and provisions 2.2.1 of the Design Manual for Urban Roads and Streets. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Note 1:** The proposed development provides for interim arrangements to address existing constraints on the wastewater sewerage network serving these lands, including the temporary on-site storage of wastewater. Having regard to the substantive reasons for refusal above, the Board considers that the matter of temporary stage will not arise given the projected timelines for the delivery of new municipal facilities in Tullamore.

**Note 2:** The Board did not accept the Inspectors recommendation to refuse permission for the recommended reasons set out in 1 & 2 of the report. The Board noted that the proposed development includes lands identified as Phase 3 residential lands but noted that the plan allowed for flexibility and was satisfied that it would not contravene the provisions of the core strategy and would not materially contravene the development plan.

Furthermore, the Board was satisfied that the submitted statement of Material Contravention was sufficiently detailed to allow the Board to rely upon it had it decided to grant permission.

**Board Member**

**Date:** 18/11/2020

---

Paul Hyde