



Case Reference / Description	359 no. residential units (161 no. apartments/duplex and 198 no. houses), creche and associated site works. Clonmich and Gayfield, Clonminch Road (R443), Tullamore, Co. Offaly.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	17 th May 2021	Start Time	10:00 am
Location	Via Microsoft Teams	End Time	12:00 pm
Chairperson	Tom Rabbette	Executive Officer	Hannah Cullen

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Lorraine Dockery, Senior Planning Inspector
Hannah Cullen, Executive Officer

Representing Prospective Applicant:

Kevin Maguire, Bennett Property Limited
Stephen Ward, Stephen Ward Town Planning & Development Consultants
Judith Horgan, Stephen Ward Town Planning & Development Consultants
Jan van Dijk, Van Dijk Architecture Ireland
Brian McGurk, Van Dijk Architecture Ireland
Andrew Bunbury, Park Hood Chartered Landscape Architects
Dan Reilly, DBFL Consulting Engineers
Brendan Keogh, DBFL Consulting Engineers

Representing Planning Authority

Alaine Clarke, Executive Planner
Carroll Melia, A/Senior Executive Planner
John Connelly, Executive Engineer
John Cunningham, Senior Executive Engineer

Rachel McKenna, Senior Architect
Mary Hussey, Senior Engineer
John Briody, Assistant Engineer
Martin Quinn, Senior Executive Engineer
Willie Ryan, A/Senior Executive Engineer

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 restrictions and introductions were made.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public once the Opinion has issued,
- ABP received a submission from the PA on **25th March, 2021** providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000 as amended and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated **26th February, 2020** formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with definition of SHD as set out in the (Housing) and Residential Tenancies Act 2016, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

1. Core strategy, masterplan and phasing
2. Planning history- previous reasons for refusal
3. Drainage Matters
4. Transportation Matters
5. Any other matters

1. Core strategy, masterplan and phasing

ABP Comments:

- Matters of core strategy and sequential development- Variation No. 2 of Tullamore Town & environs Plan noted
- Matter of 'third phase' lands and also matter of sequence of development of nodes within this masterplan area, namely Spollenstown node
- Concerns of PA noted, together with concerns expressed in Inspector's report pertaining to previous refusal on site (ABP-307832-20). Decision of Bord noted which did not include this matter in reasons for refusal. Subsequent Highlands judgement noted, however expressed reservations as to whether this applies/is relevant in this case. The applicant may wish to get own legal advice on the matter.
- Encourage applicant to engage further with the PA and the various landowners.
- At application stage this agenda item is a key matter which requires further robust justification, ensure the PA's concerns are addressed.
- This agenda item has previously been raised within third party submissions, ensure consideration is given.
- If a statement of material contravention is proposed this will need to be advertised within the public notices.

Prospective Applicant's Comments:

- The view is that there is sufficient flexibility within the plan, however, there is no opposition to submitting a material contravention statement.
- There has been engagement with the PA and the various landowners have been written to.

Planning Authority's Comments:

- Supportive of a material contravention statement being submitted by the applicant at application stage.
- There have been no alternative layouts presented omitting the phase 3 lands.

2. Planning history – previous reasons for refusal

ABP Comments:

- The two previous reasons for refusal were based on alignment of proposed Link Street and layout/urban design issues; need to demonstrate clearly how the new development proposals have overcome/sought to address this.
- It is noted the alignment of the road has changed, removal of some surface car parking; increase in height of some buildings along Link Street, however, concern remains as to whether the layout has been altered to a sufficient level. In that regard, the PA comments are noted indicating that many of the changes are cosmetic in nature, need to respond.
- Layout requires re-visiting in context of DMURS and Urban Design Manual, in particular 12 criteria.
- Not satisfied that previous reason for refusal (in particular Reason No. 2) have been sufficiently overcome.

Prospective Applicant's Comments:

- Road/ground onto Link Street has been flattened and there is now direct access to the school site and neighbourhood centre within the new proposals.
- Basement car parking is proposed, parking spaces for the houses have been placed to the rear of the units which will be looked after under management company.
- Large areas of quality open space are proposed which will have hierarchy and function dedicated throughout.
- The entrance to the development is clearly identifiable, the houses have been brought forward and the height of the buildings increased facing on to the Link road.

Planning Authority's Comments:

- The layout has not been adequately altered from the previous development refusal.
- Concern in relation to the management and supervision of the car parking, this will need to be further considered.
- Scope for improved linkages to Clonminch Wood estate.
- The percentage of dwellings with direct access to the areas of open space is very low.
- Generally very satisfied with the Link route proposals, in terms of compliance with DMURS.
- The National Cycle Manual should be considered in relation to the cycling track proposals.

3. Drainage Matters**ABP Comments:**

- IW have informed the Board within their submission that re-engagement with applicant is necessary due to time lapse since issuing of previous confirmation of feasibility letter. Liaise with IW in this regard.
- Matters raised in Drainage report, as contained in PA Opinion, need to address these matters in any subsequent application. Liaise with PA in this regard.

Prospective Applicant's Comments:

- Continuing to work with IW around this item, a new pre-connection enquiry letter has been submitted for consideration.
- A capital needs assessment is currently being carried out by IW on the site.
- The period for interim measures required will be limited.

Planning Authority's Comments:

- The existing sewer network is at capacity, the pumping station identified to be used has been deemed too small by IW, not in favour of a holding tank onsite.

4. Transportation Matters

ABP Comments:

- Matters were primarily addressed in preceding agenda item No. 2
- Address outstanding matters in any subsequent application
- Liaise with PA in this regard, prior to submission of application

Prospective Applicant's Comments:

- Will liaise with PA in relation to any outstanding matters

Planning Authority's Comments:

- Nothing further to add.

5. Any Other Matters

ABP Comments:

- Address any concerns in relation to the possible impacts on residential amenity and surrounding properties.
- Ensure items raised within the previous third-party submissions are addressed within the application documentation.
- A building lifecycle report for the apartments should be submitted at application stage.
- Queried whether there has been any engagement with Department of Education regarding school site.

Prospective Applicant's Comments:

- Further engagement will be sought with the PA to discuss Sustainable Drainage Systems (SuDS) and other surface water proposals.
- Flag to the Board the difficulty in relation to positioning of public notices in areas not taken in charge.

Planning Authority's Comments:

- A previous concern was raised from the Department of Education, the school appears to be isolated from the development, the applicant should re-engage with the Department with the revised proposals.
- Further conversations with the applicant in relation to any technical matters or surface water proposals are welcomed.

Conclusion:

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Tom Rabbette
Assistant Director of Planning
June, 2021