



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307832-20

Strategic Housing Development 358 no. residential units (172 no. houses, 186 no. apartments), childcare facility and associated site works. The application is accompanied by an EIAR and an NIS.

Location Clonminch Road (R443), Clonminch and Gayfield, Tullamore, Co. Offaly.
(www.clonminchshd.ie)

Planning Authority Offaly County Council

Applicant Steinfort Investments Fund

Prescribed Bodies Dept. of Culture Heritage and the Gaeltacht
Irish Rail
Irish Water
Transport Infrastructure Ireland
National Transport Authority

Observers

Aidan Hurley
Aisling Ryan
Aisling Sheeran
Alan and Anna Reddin
Angela Lambe
Anne-Marie McMahon
Brian and Karena McRedmond
Catherine and Declan O'Connor
Clonminch Wood Residents Association
Colette Lee
Dariusz Skupinski
Deirdre Brophy
Denise Cleary
Dermot Sheehan
Doris O'Neill
Eamon Young
Edel Kerrisk
Eilish O'Connell
Emma Ryan
Emmet Kavanagh
Eugene O'Sullivan
Fiona Clancy and Mel Gleeson
James Gorry and Valarie Malone
Joan Stokes
John Foley
John Mitchell
John Sherlock
John Smart

Joyce Dennehy
Judith Coughlan
Katherine Smyth
Kenan Pehlivan
Kevin and Fiona Egan
Laura Gray
Louise Johnston
Marie Mangan
Marlene Veira
Mary Mulvehill
Maura Owens
Michael Dooner
Michael Lawless
Michelle Byrne and Paul Gallagher
Paschal Sweeney
Paul and Paula Cullen
Phillip and Andrea Gill
Ray and Allison Digan
Residents of Clonminch Wood
Residents of Limefield Estate
Rosemarie Shields
Ruban Charles
Ruth Gurhy
Seamus Sherlock
Sharon Tracey
Teresa Fogarty
Terry Shiel
Tom and Anne Kavanagh
Thomas Baranauskas

Tony McFadden

Date of Site Inspection

28/10/2020

Inspector

Conor McGrath

Contents

1.0	Introduction	6
2.0	Site Location and Description	6
3.0	Proposed Strategic Housing Development	7
4.0	Planning History.....	9
5.0	Section 5 Pre-Application Consultation - ABP-305919-19	9
6.0	Relevant Planning Policy	14
7.0	Observations	25
8.0	Planning Authority Submission	31
9.0	Prescribed Bodies.....	37
10.0	Appropriate Assessment.....	39
11.0	Environmental Impact Assessment.....	43
12.0	Assessment	63
13.0	Conclusion and Recommendation	85
14.0	Recommended Order	87
15.0	Reasons and Considerations.....	88

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The application site is located on the R443, Clonminch Road, approx. 2.2km south-east of Tullamore town centre. The R443 continues south past the site to the junction with the N52 Tullamore ring Road, after which the N80 continues south toward Portlaoise. The 50kph urban speed limit commences along the frontage of the site.
- 2.2. The subject lands are irregular in shape and are currently in agricultural use. The lands are undulating but generally fall in a northerly / north-easterly direction and are drained by drains and ditches flowing north and east along internal field boundaries. The Dublin-Galway railway line runs northeast of the site, while lands to the east in the same ownership are in agricultural use. To the west and northwest the lands are bounded by existing suburban residential development in Clonminch Wood and Limefield. To the southwest of the site are a number of detached bungalows. The boundaries with adjoining residential lands mainly comprise mature trees and hedgerows. To the west of the R448 there is a mixture of low-rise residential development and commercial / office developments within Central Business Park, and a three storey commercial building opposite the site on the R433.
- 2.3. The application site comprises a stated area of 14.3ha. This includes 2.8ha running north along the R443 toward the town centre, which is included with the consent of Offaly County Council to facilitate road improvement works. The site comprises the first phase of a wider development zone in respect of which a Masterplan has been submitted with the application, referred to as the Eastern Node of the Southern Environs Masterplan Area.

3.0 Proposed Strategic Housing Development

The proposed development comprises 172 houses, 186 apartments and 2,707m² of neighbourhood centre and crèche. Proposed buildings on the site range between 2 – 5 storeys in height and all buildings have provision for photovoltaic/solar panels. Public open space includes two large public parks in addition to communal apartment open space. Improvement works are proposed to Clonminch Road over a length of c.1,700m to provide on-road cycle lanes on the existing carriageway. Key development parameters are set out below:

Gross Site Area	14.3 hectares		
Net Development Area	10.8 hectare	Residential zoned lands	9.8ha
		Neighbourhood Centre zoned	1.0ha
		Clonminch Road – Cycle Scheme	2.8ha
		Lands for services infrastructure	0.7ha
Total Residential Units	358	Houses Apartments	172 (48%) 186 (52%)
Net Residential Density	36 units per hectare		
Building Height	2-5 storeys		
Communal Open Space	1,521sq.m		
Public Open Space	15,389sq.m / 15.75% net residential site area		
Parking	Car 666 Cycle 294		

The development provides a mix of dwelling types and sizes. Apartment units include multi-unit apartment blocks, duplex apartments (22 no.) and a number of maisonettes (16 no.).

Residential Mix	1-bed	2-bed	3-bed	4-bed	5-bed
Number	34	120	129	69	6
%	10%	34%	36%	19%	1%

The development is to be provided in two phases as follows:

Phase	No.	Houses	Apts	Density	
1	223 no. (62%)	143.	80	34 / ha	Cycle lane. Pumping station and associated works
2	135 no. (38%)	29	106	42 / ha	Neighbourhood centre, creche
Total	358	172	186	35 / Ha	

The application is accompanied by the following documents:

- Strategic Housing Development Application Form
- Copy of public notices
- Applicant Response Statement to the Written Opinion of An Bord Pleanála
- Statement of Consistency and Statement of Material Contravention
- Housing Quality Assessment
- Part V Compliance documentation
- Architectural drawings, including Site Location Map at a scale of 1:2500.
- Architects Design Statement including Universal Design
- Building Lifecycle Report including energy strategy
- Infrastructure Design Report, including Confirmation of Feasibility and Statement of Design Acceptance from Irish Water
- Engineering Drawings
- EIA Portal Confirmation Notice (EIAR Appendix 2.1)
- Environmental Impact Assessment Report
- Natura Impact Statement
- Nodal Masterplan for the Eastern Node of the Southern Environs of Tullamore
- Masterplan Context Drawing
- Archaeological Reports (Please refer to EIAR Chapter 13 appendices)
- Outdoor Lighting Report and drawings.
- Landscape Strategy Report
- Landscape Management and Maintenance Plan
- Landscape Drawings
- Photomontages and 3D Visualisations
- Preliminary Construction Management Plan

- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- DMURS Design Statement

4.0 Planning History

- 4.1. There does not appear to be any recent relevant planning history relating to the subject lands. Part 8 consent under ref. P.8-28 was obtained by an Approved Housing Body for development on lands immediately north of the application site, adjoining Limefield. This comprises the construction of 19 housing single-storey one and two bed units and associated site works. This site is separated from the application site by an old agricultural laneway which is bounded by mature hedgerow.

5.0 Section 5 Pre-Application Consultation - ABP-305919-19

- 5.1. A pre-application consultation meeting was held with An Bord Pleanála on 6th January 2020 in respect of the development of 344 no dwellings and creche on the subject lands.

The subsequent Opinion of the Board stated that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Specifically, matters to be addressed in the documentation included the following:

1. Core Strategy and Phasing

A clear justification for the release of the subject lands at this time having regard to the Core Strategy and development plan provisions 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 Variation No. 2 to the Development Plan.

A clear rationale/justification for the development of phase 3 lands should be provided which considers 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 permission should be granted. Consideration should be given to the infrastructural constraints that currently exist and the timing of upgrades to water and wastewater networks and treatment plants 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 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.

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 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.

4. Green Infrastructure

Further 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.

Further consideration should be given to the 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 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.

Furthermore, the prospective applicant was notified that 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 including details of how the development interfaces with contiguous lands, in particular the railway line 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.
3. A construction waste management plan should be provided.
4. A Building Life Cycle Report.
5. A phasing plan 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.

The following authorities were to be notified in the event of the making of an application:

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. County Offaly Childcare Committee

5.2. Applicant's Statement

In accordance with Article 298(3) of the Regulations the applicants have included a statement responding to the opinion of the Board. The applicant's response generally makes the following points:

1. Core Strategy: The Statement of Consistency and Material Contravention Statement justify the release of these lands. It notes that approx. 6.3ha of the lands are located within the Phase 1 Masterplan area, with the remaining 3.5ha located within Phase 3. The extent of phase 3 lands incorporated into the application is not significant in the wider context.

The phase 1 lands adjoin existing development to the west. The core strategy allows 25% of masterplan residential lands to be developed in the lifetime of the plan. No residential development in any Masterplan area has taken place or been permitted to date. The application lands represent 4% of phase 1 masterplan lands in the town. The release of Phase 3 lands materially contravenes the development plan but does not contravene the zoning objective. It is justified by the achievement of local policies, the self-sufficient nature of the Eastern Node, the role of Tullamore in the RSES and the lack of growth to date.

There is adequate infrastructural capacity for the proposed development.

2. Masterplan for the Eastern Node

A revised Masterplan has been circulated to landowners. No responses have been received. The revisions address issues raised by the planning authority and include a phasing strategy for delivery for the link road, bridge crossings, school and neighbourhood facilities. Design and costings for the railway bridge are included, which is an objective for the overall masterplan area. Consultation has been undertaken with the Dept. of Education and with Iarnród Éireann.

3. Urban Design Response, Layout and Density

A design rationale is provided, informed by the Nodal Masterplan. This includes the proposed link road, which is DMURS compliant and is provided with a strong urban edge and perimeter block design in a parkland setting. Connections to adjoining lands are facilitated. Within this Clonminch Character Area there are two sub-character areas where higher density blocks and taller buildings add interest and urban character.

4. Green Infrastructure

The Nodal Masterplan identifies principles and structure for Green Infrastructure, with guidance is provided in the Landscape Masterplan. The development achieves the vision of the masterplan for a high-quality residential area characterised by a landscape setting and open character.

In addition, the application addresses the matters raised under art 287(5)(B):

- Contextual layouts and section drawings are provided with photomontage / CGI images.
- Consulting engineer's reports address drainage and utilities.
- A construction waste management plan is provided as part of the EIAR.
- A building life cycle report is provided.
- Phasing and provision of infrastructure is detailed in the Statement of Consistency, Nodal Masterplan and in project drawings.
- Drawings identify all areas to be taken in charge.

6.0 Relevant Planning Policy

6.1. National Planning Framework 2018-2040

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 is to increase residential density in settlements, through a range of measures including reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

6.2. Eastern and Midland Regional Spatial and Economic Strategy (RSES)

Located within the Gateway Region, Tullamore is identified as a Key Town, described as large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres. Their role is to provide for sustainable, compact, sequential growth and urban regeneration in the town core by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill / brownfield sites.

RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

Taking account of existing plans, section 4.3 notes that sites with long-term development potential at priority locations should not be 'reserved' in such a way as would create an unreasonable dependency them being brought forward or that

would impede the bringing forward of other suitable lands with better prospects for delivery in the short term, if the strategic sites are not being brought forward.

The RSES notes that Tullamore has a number of opportunity sites supporting regeneration and redevelopment, focusing on compact growth, place making and transition to a low carbon society/ economy. There is support for the delivery of a range of well-designed housing types with regard to tenure and density, integrated green infrastructure, active travel links and renewable energy options. The provision of housing at the right locations will play a fundamental role in the overall economic, social and environmental success of the settlement.

6.3. Section 28 Ministerial Guidelines

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

6.4. Tullamore Town and Environs Development Plan 2010-2016

Note: This plan has been extended to 2020 and that a Draft Offaly County Development is currently on display.

The lands are zoned for 'residential' use and neighbourhood centre uses and comprise part of a larger Masterplan area which also includes public / community / educational uses.

Variation No. 2 of the Development Plan relates to the Core Strategy and states that the strategy will take a sequential approach to the development of land, with lands

closest to the town centres designated for development. Lands outside of Phase 1 of the master plan areas will not be considered under the lifetime of the plan. Up to 25% of Phase 1 Masterplan Residential lands will be available for development, during the lifetime of the plan.

Policy TTEP 04-01: to strategically prioritise the development of Tullamore as part of the Midlands Linked Gateway. The Council will promote the growth of the gateway in nominal terms towards the 2022 target of 24,575 persons and also relative to the growth of the remainder of the county and in particular the share of County population attributed to the Gateway.

It is policy to implement the 'sequential approach' i.e. develop from the centre first, then outwards, in assessing proposed housing developments to avoid isolated development in outer zoned areas.

TCSP-03 It is the Councils' policy that development will not be permitted where it conflicts with the Core Strategy.

Chapter 5 Masterplans - Four Masterplan areas were introduced in 2008. Strategic objectives for these masterplan areas include:

- SO3:** To facilitate the sustainable phased expansion of the town into the masterplan areas in a coherent manner which facilitates 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.
- SO6:** To develop each masterplan area as a partially self-sustaining neighbourhood with a mix of land uses which facilitate the provision of local services that will reduce the requirement for movement and foster a sense of community.
- 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.

The site is located within the Tullamore Southern Environs Masterplan area. This covers 322 ha, predominantly located to the west of the R443, divided into four

'nodes', in respect of which a set of specific objectives been developed. It is policy that a detailed masterplan be prepared for each node prior to the submission of planning applications. The application site is located within the Eastern Node and is predominately identified as Phase 1 lands, while the remaining southern portion is located within Phase 3.

Table 5.5 sets identifies objectives for each Masterplan node. In respect of the Eastern Node, this table states that it is foreseen that this area will be developed in the longer term as a high-quality residential area only following development of Spollenstown Node. Specific objectives include:

- EN1. Seamlessly integrate into adjacent mature residential areas.
- EN2. Provide surface water areas as amenity features which can operate as surface water attenuation (SUDS) systems.
- EN3. Encourage the provision of a potential bus route connecting peripheral environs areas as well as neighbourhood centres and business park users.
- EN4. Provide a neighbourhood centre to service new residents in this node, concurrent with residential development.
- EN5. Provide a primary level school to service new residents in this node, concurrently with residential development. The preparation of a detailed masterplan for this node must demonstrate that consultation has taken place with the Dept. of Education in relation to the provision of schools in this node.
- EN6. No building shall be occupied prior to the provision of water, foul sewerage and surface water infrastructure to the satisfaction of the Planning Authority.
- EN7. Provide a bridge in this node across the railway.

Section 5.4.4, *Phasing*, notes that although a certain degree of flexibility must be provided for, implementation of this masterplan will occur on a phased basis. The sequential development of the lands includes the following:

- 5.4.4.1 Relevant landowners and developers shall work in co-operation with Iarnród Éireann and other relevant agencies and bodies to ensure that the bridge is delivered in tandem with the long term development of the

southern environs masterplan. The items to be presented for the Planning Authority's agreement as part of the detailed masterplan for the Eastern Node are to include cost estimates, indicative location, and design detail.

Delivery of the bridge will be contingent on securing private sector funding in the form of development charges and the Councils will consider the means by which this is possible i.e. amendments to the Development Contribution schemes for the Councils when proposed development levels in the overall masterplan area warrant same.

5.4.4.5 The northern and eastern portions of the Eastern Node will be developed for medium density residential development prior to the development of the western and south sections of this node for medium and low-density housing

5.4.4.6 It is an ambition that the Eastern Node be developed as follows:

- i Areas adjacent to the existing mature residential north of the node are developed first.
- ii. The neighbourhood centre, school, playing fields and mixed uses are then developed so as to facilitate the development of the western and southern portions of this node.
- iii. The remainder of the residential lands are developed following the completion of the school, playing fields and neighbourhood.

Section 8.2.2 of the Plan, *Land use Development and Urban Permeability*, notes that there are a number of highly important strategic routes that are necessary to allow the Masterplan areas to be successfully incorporated into the town and to create a town wide network of local distributors. These include the link road traversing the lands and crossing the railway to link with Chancery Lane.

TTEP 08-07 It is policy to facilitate development of masterplan areas by the creation of a network of local distributor routes, which connect these new areas to the existing town in a coherent plan led manner bringing permeability to the resultant urban fabric. These routes will be informed by the relevant masterplans and the Tullamore Transportation Study on its adoption.

TTEP 08-08 It is policy to facilitate the provision of the strategic links required to ensure the satisfactory implementation of the masterplans.

6.5. Applicants Statement of Consistency

6.5.1. National and Regional Policy:

- National Planning Framework: The statement notes that Tullamore is a strong employment centre identified for population growth. Further employment growth is forecast and the site is located in proximity to the largest future employment node in the town. The development will support National Policy Objective 33.
- Regional Spatial and Economic Strategy: The statement notes that Tullamore has the recognised potential to accommodate above average growth and the RSES supports the provision of housing in Tullamore for a range of types, tenures and densities which are well designed with integrated green infrastructure, active travel links and renewable energy options.

The proposed development is in keeping with this vision for Tullamore. The range of house types, green infrastructure including the provision of cycle lanes into the town centre and efficient use of zoned serviceable lands, will support the future growth of this key town at a location designated for employment growth.

- Rebuilding Ireland – Action Plan for Housing and Homelessness: The development accords with the key objective of ‘Pillar Three —Build More Homes’, to *“Increase the output of private housing to meet demand at affordable prices.* The statement notes that the level of completions in the county since 2017 has not met projected housing need.
- Sustainable Urban Housing: Design Standards for New Apartments: The statement argues that the development is in keeping with the locational criteria outlined by the Guidelines. Apartments including duplex units and own door maisonette apartments proposed represent 52% of the total mix, providing variety and flexibility to create a community with a mix of tenures and age groups.

6.5.2. Local Planning Policy:

Offaly County Development Plan 2014-2020 (as varied)

It is argued that the development complies with the core strategy by providing residential accommodation on appropriately zoned and serviceable lands. The accompanying Masterplan will help counteract the dispersed pattern of development in the County. The scheme will encourage more sustainable transport modes and avoid the use of the private car for short journeys. The development accords with Settlement Strategy Policy *SSP-03*.

The development is designed to comply with the Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual' and is therefore in accordance with policy *SSP-04*.

The development addresses policy *SSP-07* by integrating land-use with sustainable transport and avoiding deterioration of the natural environment

In terms of economic policies, *EntP-01*, *02* and *03*, it is argued that residential development must be provided to support existing and future employees in the town.

The development provides a childcare facility in accordance with policy *CSCP-06* and reserves a school site to meet future demand, satisfying policy *CSCP-16*.

An *NIS* is submitted, and the development takes full account of natural heritage policy objectives *NHP-01*, *02* and *04*. The landscaping proposals are stated to have regard to the bio-diversity objectives of the plan.

The scheme is designed in accordance with *DMURS* principles and is accompanied by a Traffic and Transport Assessment.

Tullamore Town And Environs Development Plan 2010-2016 (As Varied)

The statement notes that the development accords with the zoning objectives for the site. The application is accompanied by a Masterplan and strategic objectives for these Masterplan lands are met, providing a sustainable extension to the town, meeting projected growth on serviced lands at sustainable densities.

The majority of the development area comprises Phase 1 lands. The southern part of the site falls partly within 'Third Sequence/Phase' lands (c.3.5ha). Justification for the inclusion of phase 3 lands is addressed in the Material Contravention Statement.

While the Core Strategy limits the release of phase 1 residentially zoned masterplan lands, there have been no residential developments permitted on such lands to date. The development plan is described as an outdated document *that has not aided the growth of Tullamore in line with Regional objectives (TTEP 04-01)*. It is argued that the release of these 3.5 ha of Phase 3 lands will not impede the development of other residential lands in Tullamore and will not undermine the strategy for the Southern Environs Masterplan area.

A site for a primary school is reserved as part of phase 2 of this application and a childcare facility which meets the requirements of the plan. Natural and Cultural Heritage objectives are stated to be addressed by the accompanying assessments.

Policies relating to the location of landuses to reduce travel are stated to be satisfied and the road network achieves the development plan objectives.

The development management standards of the plan are satisfied particularly in terms of the density, public open space provision, private open space, separation distances, boundary treatments, residential, amenity and car parking. Policies in respect of energy, public lighting and services are satisfied particularly surface water drainage and the implementation of SUDS measures

S.28 Ministerial Guidelines

In respect of guidelines issued by the Minister under Section 28 of the Act of 2000 and other relevant Guidelines, the Statement identifies the following relevant guidance documents:

- Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual: The statement argues that the development meets the sustainability criteria set out in the guidelines. The Architects Design Statement provides a description of the design approach and evaluates the proposal in line with the principles set out in the design manual.
- Sustainable Urban Housing, Design Standards for New Apartments: The statement outlines how the development complies with the guidelines in terms of housing mix, internal accommodation standards, dual aspect provision, amenity space, security and refuse, car and bicycle parking.

- Urban Development and Building Heights Guidelines for Planning Authorities: It is outlined how increased height is used to create strong urban edges and define new public open spaces. Height increases are reflective of the setting and context of the site and protection of the adjacent residential amenity.
- Planning Guidelines for Childcare Facilities: The proposed childcare facility is designed in accordance with the Guidelines.
- Guidelines for Planning Authorities – Appropriate Assessment of Plans and Projects in Ireland: The application is accompanied by a Stage II NIS.
- Planning System and Flood Risk Management Guidelines: A site specific flood risk assessment was undertaken. The application site is located in Flood Zone C and is described as suitable for residential development.

6.6. Statement of Material Contravention

6.6.1. A statement of Material Contravention is submitted in accordance with Section 8(1)(iv)(II) of the Act of 2016. The statement is stated to address a potential material contravention of the Tullamore Town and Environs Development Plan 2010-2016 (as varied) in relation to the development of Phase 3 Masterplan lands and policies TCSP-03 and TTEP 04-01. The statement notes the following points:

- The Eastern Node within which the application is located extends to c.57.59 hectares including lands zoned for varying uses. While chapter 5 of the plan aims to develop the town in a sequential manner, the phasing approach outlined therein does not apply to zoned lands outside the Masterplan areas and is not a Core Strategy Phasing. The Eastern Node Lands include with Sequence Phase 1 and 3 lands.
- The proposed Eastern Node Masterplan revises the phasing approach based on existing field boundaries and land ownership which is argued to reflect the overall objective outlined at Table 5.2 and 5.5 of the plan. This includes 3.5ha of Phase 3 lands in this initial application. The applicants note that the development plan provides for a degree of flexibility in this regard and submit that this flexibility be applied to the inclusion of Sequence Phase 3 lands in the interest of a comprehensive and successful design and attractive new neighbourhood.

- It is argued that the majority of lands in the subject application are located in Sequence Phase 1 (c.6.3ha), representing 16% of the 40 hectares of Phase 1 Residential Zoned Masterplan lands in Tullamore permitted to be released over the lifetime of the plan. This does not therefore represent a material contravention to the Development Plan Core Strategy.
- The Phase 3 lands included in this application amount represent c.15% of all Sequence Phase 3 lands in the Eastern Node and 1% of total residentially zoned lands within the four Masterplan Areas. No residentially zoned Phase 1 lands have been brought forward since the Core Strategy was adopted and recent multi-unit developments have all been on lands outside the Masterplan areas where this phasing does not apply.

6.6.2. The submitted justification has regard to the criteria set out under Section 37(2)(b) of the Act.

i) Strategic or National Importance: Pillar Three of Rebuilding Ireland – Action Plan for Housing and Homelessness, seeks to build more homes’ and increase housing output. Housing output nationally and in Offaly have not met demand and there is an undersupply of residential dwellings in Tullamore. The proposed development would be a positive contribution to the future development of Tullamore, the largest urban centre in County Offaly.

ii) Conflicting Objectives in The Development Plan or The Objectives Are Not Clearly Stated, Insofar as The Proposed Development is Concerned: Under Policy TCSP – 01 of Variation No. 2 it is policy to implement the Core Strategy for Tullamore and Environs to be consistent with national and regional policies, particularly relating to population targets and distribution, while Policy TCSP – 05 states that the Council will monitor and manage development in line with national and regional development objectives, through the Core Strategy.

The Core Strategy for Tullamore and Environs has not been updated in line with population targets set by the Midland Regional Planning Guidelines, as has been carried out for the County Development Plan. It is submitted that the Core Strategy therefore conflicts with objectives relating to the housing delivery in Tullamore under the Regional and Spatial Strategy. No monitoring of the Core Strategy has been

undertaken and it has not succeeded in bringing forward residential development in keeping with projected population targets.

iii) Permission should be granted having regard to the RSES for the area and Guidelines Under Section 28: It is argued that the proposed development is fully in keeping with the recently adopted Regional and Spatial Strategy for the Eastern and Midland Region. Tullamore is as a Key Town within the Gateway Region and its importance is recognised in objective PRO 4.69. It has the potential to accommodate above average growth. The development adjoins a strategic employment area within the Southern Environs Enterprise Node and will support existing and future employees.

The statement argues that it is reasonable to assume that a significant proportion of projected population growth to 2026 within the county, would be directed to Tullamore as a Key Town. The RSES supports the provision of housing in Tullamore in a range of types, tenures and densities which are well designed with green infrastructure, active travel links and renewable energy options. The proposed development is fully in keeping with the policies of the RSES and provides for the efficient use of zoned lands. The development is fully in keeping with the Section 28 Guidelines and specific planning policy requirements.

iv) The Pattern of Development, and Permissions Granted in the area since the making of the Development Plan: The statement argues that the number of housing units granted permission since adoption of the County Development Plan is less than the requirement identified for Tullamore. The sustainable development of zoned and serviceable lands will help to counteract the dispersed pattern of development in the County. Applications in respect of multi-unit developments to date have been to the north of the town and the proposed development will provide a balance to such development and support the future development of adjacent employment lands, providing necessary critical mass to extend and improve public transport infrastructure.

Conclusion

The Statement concludes that the development is fully in keeping with National, Regional Planning Policy and while it proposes to develop Sequence Phase 3 Masterplan lands, it is in every other way compliant with local policy and is not

significant. There have been no planning applications to date on any of the Residential Phase 1 Masterplan Lands anywhere in Tullamore.

7.0 Observations

7.1. Observations were received from the following parties:

Aidan Hurley
Aisling Ryan
Aisling Sheeran
Alan and Anna Reddin
Angela Lambe
Anne-Marie McMahon
Brian and Karena McRedmond
Catherine and Declan O'Connor
Clonminch Wood Residents Association
Colette Lee
Dariusz Skupinski
Deirdre Brophy
Denise Cleary
Dermot Sheehan
Doris O'Neill
Eamon Young
Edel Kerrisk
Eilish O'Connell
Emma Ryan
Emmet Kavanagh
Eugene O'Sullivan
Fiona Clancy and Mel Gleeson
James Gorry and Valarie Malone
Joan Stokes
John Foley
John Mitchell

John Sherlock
John Smart
Joyce Dennehy
Judith Coughlan
Katherine Smyth
Kenan Pehlivan
Kevin and Fiona Egan
Laura Gray
Louise Johnston
Marie Mangan
Marlene Veira
Mary Mulvehill
Maura Owens
Michael Dooner
Michael Lawless
Michelle Byrne and Paul Gallagher
Paschal Sweeney
Paul and Paula Cullen
Phillip and Andrea Gill
Ray and Allison Digan
Residents of Clonminch Wood
Residents of Limefield Estate
Rosemarie Shields
Ruban Charles
Ruth Gurhy
Seamus Sherlock
Sharon Tracey
Teresa Fogarty
Terry Shiel
Tom and Anne Kavanagh
Thomas Baranauskas
Tony McFadden

There is significant overlap in the issues raised in the observations and these issues are therefore summarised under broad themes below.

Land use principle

- The development is inappropriate for this peripheral location and does not accord with National and regional planning policy in relation to compact growth.
- The Draft County Development Plan identifies these lands as a Strategic Reserve and promotes the development of more central and brownfield lands.
- The current development plan is based on outdated regional guidelines.
- The application includes Phase 3 lands and is premature.
- The Masterplan designation of the lands is identified on the land use zoning map and the development therefore materially contravenes the zoning objective.
- The Masterplan Objective carries the same weight as other zoning objectives.
- Landownership and field boundaries do not justify this breach.
- The specific objectives for the Eastern Node are not achieved, including the requirement to develop the Spollanstown Node prior to the Eastern Node.
- Commitment to the proposed Masterplan is questioned.
- The development plan promotes smaller scale developments and requires a mix of dwellings including single-storey, detached houses and serviced sites.
- The description in the EIAR is not consistent with the newspaper notice.
- No SEA was undertaken in respect of the extension of the Tullamore Town and Environs Development Plan 2016, which extension is therefore valid.
- Zoning and other objectives are therefore no longer applicable and the board must refuse permission on the basis of a lack of valid zoning or other objectives.
- Permission cannot be granted for development materially contravening the development plan as this is also contrary to the SEA Directive.
- A material contravention of the development plan, particularly its core strategy, is subject to the requirements of the SEA Directive, however, this is not provided for in legislation and as such, permission must be refused for such development. This argument is currently before the courts (Highlands Residents Assoc and other V ABP).
- The justification under S37(2)(b) in the Statement of Material Contravention does not warrant a material contravention of the development plan.

- The AA screening report cites incorrect legislative provisions and cannot be considered by the Board. The information is insufficient for the purposes of AA.
- The development plan requirement to agree a Masterplan with adjoining landowners has not been complied with.
- There is insufficient housing demand to support this scale of development, particularly for apartment units.
- Existing and future employment in the town will be insufficient to avoid the creation of a car-based commuter development.
- Schools capacity in the area is limited and provision should be made for the orderly and timely delivery of the school.
- Deficiencies in health services in the town to cater for an increased population.
- The development will result in loss of tillage lands which could meet local needs.
- Deficiencies in the drawings and lack of detail in the application do not allow full public participation. Site location maps are not consistent between reports.

Design and layout

- The development is contrary to the objectives for the Eastern Node as it does not integrate seamlessly into the adjacent development.
- The height, scale, density and mix of development is inappropriate for this location and is at odds with the surrounding pattern of development.
- Apartments are inappropriate for this location and not in accordance with the provisions of the Apartments Design Guidelines.
- Proposed maisonette units are substandard and should be omitted.
- Terraced units lack rear access and screening of bin storage areas is inadequate.
- The detail of pedestrian linkages to adjoining developments is inadequate and there will be requirement for works outside the red-line boundary of the site.
- The layout fails to respect the adjoining building line in Clonminch Wood.
- Unsatisfactory naming.
- Services and facilities should be provided as part of phase 1 to obviate unsustainable travel movements and should be provided to the front of the development to serve the wider Clonminch area.
- There should be greater distribution of Part V provision and Apartment Block C adjoining the Part 8 scheme will result in a concentration of social housing.

- There are deficiencies in play facilities.

Adjoining Residential Amenity

- Potential vehicular access through Clonminch Wood raises concerns regarding traffic safety, as well as impacts on air quality, noise and human health.
- Pedestrian connections through Clonminch Wood and the approved sheltered housing scheme will impact on residential privacy and amenities.
- The treatment of boundaries with adjoining residential lands is inadequate.
- Rear mews lanes will give rise to anti-social behaviour.
- The development will result in overlooking of adjoining residential properties and will have sunlight and overshadowing impacts.
- Dust emissions from construction activity will impact on adjoining residents.
- Site compounds should be located away from adjoining residential properties.

Services and Drainage

- Prematurity pending upgrading of the sewerage network in the town, which works are still at design and planning stage.
- The identified options to facilitate the development in advance of upgrade works demonstrate the prematurity of the proposal.
- The phasing option contradicts the argument that the development will contribute to the swift realisation of national and regional population projections.
- The proposed temporary storage of wastewater on site is inappropriate and rises potential for impacts on the surface water drainage of adjoining lands.
- The capacity of downstream drains has not been considered.
- The development fails to provide green roofs.

Transport

- Vehicular access through Clonminch Wood should not be permitted.
- No assessment has been undertaken of the traffic impacts on Clonminch Wood, whose roads would require redesign to safely accommodate such development.
- The development does not provide self-regulating streets in line with DMURS given the extent of perpendicular parking and design encouraging higher speeds.
- There is inadequate provision for pedestrians and pedestrian crossings.
- No road safety audits have been carried out.

- The adequacy of the traffic surveys and Traffic Impact Assessment is queried and does not capture existing congestion at the R443 / Bachelors Walk junction.
- The development will be car dependent given remoteness from the town centre.
- The level of local bus services is significantly overstated and the site is remote from bus services commencing in the town centre.
- It is not clear what service will use bus stops provided in the development and bus services will not serve the neighbourhood centre.
- Reference Grand Canal Greenway is not relevant given separation from the site.
- The design of the on-road Clonminich Road cycle route is deficient in parts and does not join up with the existing cycle network in the town.
- The removal of right turn lanes along Clonminich Road will impact on traffic flows.
- The route will encroach on lands in private ownership
- The alignment of the proposed link road is deficient for its function.
- The internal provision for pedestrians and cyclists could lead to conflict.

Wildlife and landscape.

- The development will impact on bat species and habitats in the area.
- Surveys for the presence of bats were deficient and no tree survey was undertaken. Permission cannot be granted unless a derogation license in respect of bats has been obtained.
- The development will result in the loss of hedgerows and wildlife contrary to the county bio-diversity strategy.
- The EIAR does not address the Masterplan or the applicant's full landholding.
- The implications of the timing of site surveys are not identified.
- The EIAR is inconsistent with regard to the flow of drainage from the site.
- The description and assessment of the proposed wastewater storage facility on the site is inadequate.
- The NIS does not consider potential impacts of the proposed storage of wastewater or the works to the Clonminich Road.
- The pumping station should be located outside the landscape buffer zone.
- Inadequate consideration has been given to impacts from light emissions.
- The NIS does not address construction and post-construction impacts on Charleville Wood SAC and no mitigation measures are identified.

- The design and management of retention basins is unclear and surface water proposals are not integrated into the landscaping plan.
- There are no measures to prevent soil saturation around the root ball of trees in times of high rainfall.
- The NIS does not consider cumulative impacts with the adjoining Part 8 housing development, other development in the town or within the Eastern Node.
- No tree survey drawings are provided.
- Existing mature and peripheral hedgerows should be incorporated into the development and allowed to expand to form linear woodlands in areas.
- Landscaping should reflect local tree species.

8.0 Planning Authority Submission

8.1. Section 8(5)(a) of the Act requires the planning authority or authorities in whose area or areas the proposed strategic housing development is situated to submit to ABP a report of its Chief Executive. A submission from Offaly County Council in accordance with S.8(5) was received by An Bord Pleanála on 1st October 2020.

The issues raised in the third-party submissions are noted in the report and the report identifies relevant planning policy provisions relating to the development. A summary of the views of elected members includes the following points:

- There was some welcome for housing development in the town.
- Contravention of the development plan was raised.
- Vehicular access through Clonminch Wood was described as problematic and giving rise to traffic safety issues.
- Issues were raised with regard to building heights.
- The scale was described as excessive for the outskirts of the town.
- Potential for anti-social behaviour in back lanes was raised.
- The development will impact on adjoining residential development.
- Prematurity pending wastewater network upgrades.
- Alignment with and prematurity pending adoption of the draft County Development Plan.

The Chief Executive's Report makes the following comments:

Policy

- The Draft Offaly County Development Plan 2021-2027 zones these lands as Strategic Reserve for Residential and Strategic Community services / facilities.
- The Core Strategy of the draft plan advises that 1,497 units are required in Tullamore 2016-2027, of which 449 are to be within the built footprint of the town.
- Issues raised at pre-application stage have not been adequately addressed.

Land Use Zoning:

- The development accords with the land use zoning objectives for the site.
- The development plan zones 416ha for residential use, however, the core strategy identifies a requirement for 219ha.
- The plan provides that only 25% of phase 1 masterplan residential zoned lands will be available for development.
- As no multi-unit applications on masterplan lands have been made to date, the development accords with the core strategy in this regard.
- There are sufficient Phase 1 lands, which should be developed prior to Phase 3.
- The Material Contravention Statement fails to justify the release of Phase 3 lands at this time. It justifies the entire development in general terms and does not address the issues identified in the Board Opinion.

Masterplan

- While the submitted masterplan is improved and the layout is generally acceptable, there are concerns that the objectives for the area are not addressed.
- The implementation and phasing provisions of the Masterplan fail to refer to delivery of the railway bridge, which is an integral piece of infrastructure for the development of the area and its incorporation into the town.
- Detailed cost estimates were not included as required by the development plan.
- The alignment of the Link Road and access to it requires amendment to secure the development plan objectives.
- The planning authority was not engaged in the consultations with other landowners and agencies in relation to these objectives.

- The Masterplan should provide for the preservation and retention of archaeological features.
- A review of the optimum location of the neighbourhood centre should have been undertaken notwithstanding the zoning objectives for the site.
- The Masterplan fails to deal with Dept. of Education concerns regarding the location, delivery and servicing of the future school.

Design Strategy and Urban Design Response

- The development lacks a single vision for the two phases of development.
- Phase 1 should be provided with adequate services and open space. Optional use of the ground floor of Block A as a creche is not considered appropriate.
- The scale and density are at odds with surrounding development. This is not a town centre development and should minimise impacts.
- The alignment of the link road does not accord with DMURS and these concerns are reflected by the NTA and internal departmental reports, including the capacity of the link road to accommodate buses.
- Concerns are raised regard the design and layout of internal roads and compliance with DMURS.
- The Link Road should not bound the main areas of public open space and does not provide suitable access to the neighbourhood centre or future school site.
- Insufficient car parking is provided.
- Provision of a long-term pumping station on strategic buffer / open space is not appropriate and contrary to the zoning objective.
- Only the three main green spaces should be included in the calculation of public open space. A sports field should be included in the development.
- Additional planting and landscaping should be provided.
- The development strategy should be revised, including the design of apartment blocks, in accordance with the criteria set out in the Urban Design Manual.
- The development is out of character with its surroundings and the pre-dominance of apartments is not appropriate given the peripheral location of the site.

Density

- The site could be categorised as outer suburban/greenfield and the proposed density is appropriate in the context of the guidelines.

- Greater regard should be had to its peripheral location and separation from public transport connections, and to the character of its surroundings.
- The development plan requires that the northern and eastern portions of the Eastern Node be development prior to the western and southern sections.

Dwelling Design Mix and Typology

- The contemporary design approach is welcome, but there is concern regard the number, scale and mass of the apartment blocks and integration with the area.
- An assessment of overshadowing impacts on courtyard open space should have been undertaken.
- Detached and single-storey houses should be provided to achieve adequate mix and integration with surroundings.
- A limited number of houses have access to open space without crossing busy roads and a number of dwelling units are at a distance from open space.
- Greater variety in materials should be provided.

Services and drainage:

- There is insufficient capacity in the existing foul network to accommodate the development, which is therefore contrary to objective EN6.
- The Council does not favour the temporary solution of on-site storage of sewage.
- Irish Water identify that a connection to this development is feasible subject to network upgrades. Works to cater for all development lands in the area are currently at design stage.
- The applicants have not addressed the issue of the timing of upgrades and there is no certainty with regard to their completion.
- The risks associated with an effluent holding tank have not been addressed in the EIAR and such a feature would impact on the adjoining zoned open space.
- The proposal for large attenuation tanks fails to deliver sustainable drainage systems and does not achieve development plan objectives for the area.
- An open water habitat and amenity under objective EN2 should be provided.
- For extended storm duration the drainage network capacity will be exceeded and flooding of low-lying areas will occur. These areas should be identified.

Consistency with Development Plan

- In terms of consistency with development plan policies and objectives, the site is described as not being sequentially preferable.
- The report notes that it is not considered reasonable that the onus to provide the railway bridge is on this part of the Eastern Node and notes that some effort to present a scheme has been made in this regard.

CE Recommendation:

That permission be refused for the following reasons:

1. The development includes lands identified as Phase 3 lands development plan. The Core Strategy states that lands outside Phase 1 will not be considered in the lifetime of the plan. The development would not comply with the phasing requirements of the plan and would be contrary to the Core Strategy.
2. The development fails to appropriately respond to the established character of the area by virtue of the predominance of apartments on a peripheral site with poor public transport connections, and as a consequence of their design, scale and massing. The development is therefore contrary to objective EN1 which requires seamlessly integration with adjacent mature residential areas.
3. The development would be contrary to objective EN2 which seeks to provide surface water areas as amenity features which can function as surface water attenuation systems. The proposed surface water management system fails to deliver an amenity and biodiversity opportunity as envisaged in the plan.
4. The layout is substandard by virtue of vehicular connectivity as the road layout restricts vehicular permeability and requires a significant volume of traffic to access a myriad of streets where legibility is substandard.
5. The development is constrained by a lack of sewerage network capacity and the development is premature given the period in which such constraints might be reasonably expected to cease. The proposal to store effluent at certain times

could lead to a risk to public health and the environment which has not been adequately assessed in the application.

Conditions:

Notwithstanding such recommendation, the CE report recommends 30 no. conditions to be attached in the event of the Board deciding to grant permission in this case. These include the following:

2. The proposed development shall be amended as follows:
 - a) Revised road network which creates greater vehicular permeability and which addresses concerns with respect to the alignment of the Link Street.
 - b) Block A shall be redesigned to remove overlooking and / or overshadowing from the permitted Part 8 units to the north.
 - c) Provide single-storey detached houses to provide an adequate mix and assist with integration of existing surrounding developments.
 - d) Redesign Apartment blocks D and E to a reduced scale.
 - e) Open space areas shall be subject to daylighting and shadowing analysis.
 - f) Provide open water features for amenity use, in lieu of attenuation tanks.
 - g) The road at the northwestern end shall be aligned with the existing adjacent road in Clonminch Wood and designed to ensure smooth transition for a potential future connection.
 - h) Parking in accordance with development plan standards shall be provided.
 - i) The Clonminch Road cycle scheme shall be designed in accordance with the requirements of the NTA and the National Cycling Manual.
 - j) All connections to adjoining lands shall incorporate passive surveillance.
 3. No development shall commence until such time as the foul water network and water treatment plant are upgraded and operational.
 4. The bus stop on the R443 Clonminch Road shall be fully accessible and set into the application site boundary so as not to impede traffic flow.
- 13(b) Undertake a Road Safety Audit.
- 20(a) Redesign the cycle track at the entrance to the proposed development in accordance with the National Cycle Manual.

21(d) Perpendicular parking shall be restricted to local streets.

(e) Redesign of parking to east of Block C to ensure consistent footpath width.

27. Tree felling and protection of bat species.

28. Archaeological monitoring of ground works.

Internal reports from the following sections are submitted. In addition to the issues raised above, the following points are identified in these reports:

- Roads and Transportation. The proposed link road should be of the level of Link Street as defined in DMURS. The Clonminch Road cycle route should be provided as a raised cycle track.
- Housing: Block A gives rise to overlooking of Part 8 housing to the north.
- County Architect: The report highlights issues with the design and treatment of the link road. The density is excessive. Apartment blocks do not integrate with the development or achieve a satisfactory layout. Non-compliance with DMURS is raised.
- Environment and Water Services: It is not clear whether a discharge licence is required. Part of the site is within a higher dB range for nighttime noise and an inward noise impact assessment should be undertaken.
- Area Engineer: The report notes, in addition to other points, that permeability of the proposed road network is limited, with only two junctions connected to the link road from the entire development. Future school facilities should utilise direct access to the link road.

9.0 Prescribed Bodies

Dept. of Culture Heritage and the Gaeltacht

Archaeology: The *Fulacht Fia* uncovered at the northwest corner of the site should be preserved in situ or fully excavated. All groundworks across the remainder of the site should be monitored by a suitably qualified archaeologist.

Nature Conservation: The potential for hedgerow loss due to the cycle path works is not clear. Notwithstanding applicants statements , the specified hedgerow and tree planting includes extensive planting non-native species. Conditions recommended.

In order to comply with the Wildlife Act 1976, conditions regarding tree and hedgerow removal and to mitigate impacts to bat species are recommended. It is recommended that Bat Block bat bricks or similar and Swift Block swift boxes or similar be incorporate into new building structures.

Irish Rail: No objection but recommend the attachment of certain conditions in the interests of safety. These include the requirement for a bridge agreement to be entered into with the agency in respect of the proposed new bridge.

Irish Water: Upgrade works are required to the Clonaslee Water Treatment Plant. These works are currently on the Capital Investment Programme which is currently scheduled for completion in Q3 2021 (subject to change). The existing water main on Clonminch Rd (R443) should have sufficient capacity, however a full calibration and modelling exercise will be required at connection application stage.

In order to facilitate a wastewater connection, upgrade works to the network will be required. Irish Water is currently progressing a survey and model build of the existing network and Stage 3 of the DAP modelling is nearing completion. Any site-specific upgrades required to facilitate this development will be confirmed at connection application stage between the applicant and Irish Water. The applicant has engaged with Irish Water in respect of a design proposal for which they have been issued a Statement of Design Acceptance for the development.

Any grant of permission should be subject to condition requiring a connection agreement with Irish Water and adherence to its standards and conditions.

Transport Infrastructure Ireland (TII): Regard should be had to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the planning application.

National Transport Authority (NTA): The Clonminch Road Cycle Scheme should be redesigned including to remove all right turn pockets, except at the junction of the proposed development / Link Road, and central hatched areas and provide a

segregated cycle track on both sides of the road. Existing constraints at certain points along the route are acknowledged.

There are concerns regarding the horizontal alignment of the proposed link road, having regard to the provisions of DMURS. The route would not be appropriate for a public bus service due to such alignment and indirect nature of the route. An alternative design should be developed in accordance with DMURS and NTA guidance, and the National Cycle Manual given its strategic function. There are deficiencies in cycle provision along the link street, including conflict with traffic emerging from a side street. These changes would support regional objectives to provide safe cycling routes in towns and villages.

10.0 **Appropriate Assessment**

10.1. Screening

- 10.1.1. The application site is located on the edge of the Tullamore urban area. The proposed development is described in section 3.0 above and also in subsequent sections of this report. It broadly comprises the construction of 358 no. dwelling units, neighbourhood centre and creche, and associated works. The application is accompanied by an Appropriate Assessment Screening Report and Stage II Natura Impact Statement.
- 10.1.2. The proposed development is not directly connected with or necessary for the management of any European Site and is not located within or immediately adjacent to any such site. The closest European site is Charleville Wood SAC, approx. 2km to the west. The lands drain to the north and east via land drains and sewers which eventually discharge to the Tullamore River, upstream of the SAC. As noted in the AA Screening report, other European sites in the wider area are not within the zone of influence or connected to the subject site. I concur with the conclusion of Screening Report that the relevant European site therefore is Charleville Woods SAC.
- 10.1.3. The qualifying interests of Charleville Woods SAC are
- alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* [91E0] and

- *Vertigo moulinsiana* (Desmoulin's Whorl Snail).

The conservation objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

I note that the AA screening report and NIS submitted with the application identify the qualifying woodland habitat as Old Oak Woodlands [91A0], rather than alluvial forests [91E0]. In this regard, I note that there has been a change in the qualifying interests identified in the Conservation Objectives for this site between those published in 2015 and cited by the applicants (version 6.0), and those published in April 2020 (version 7.0)¹.

- 10.1.4. The site synopsis notes that Charleville Wood is an important ancient woodland. It includes a small lake with a wooded island, and a stream along the western perimeter. Wet alluvial forest is found around the lake. *Vertigo moulinsiana* is a ground and surface water dependent snail. Literature notes that the Grand Canal may be a source of the population recorded at Charleville Lake (E. Moorkens, 2002). NPWS publication (*Monitoring and Condition Assessment of Populations of Vertigo geyeri, Vertigo angustior and Vertigo moulinsiana in Ireland*) (2011)), assessed population and habitats in Charleville Wood SAC as being in good condition, and future prospects and long-term viability were assessed as favourable. The submitted NIS notes that there is no connection between the Tullamore River and Charleville Lake. In terms of alluvial forests, among the main threats are hydrological changes in water level and regulation of watercourses.
- 10.1.5. There is not likely to be any direct effect from the proposed development on the qualifying interests of the SAC at construction or operational stages, in respect of either a reduction of habitats or disturbance of species, having regard to the separation from that site, or ex-situ impacts on species of conservation interest for the site.
- 10.1.6. Water quality is a key indicator of conservation value for such surface or ground water dependant Natura sites. Diffuse or point source contamination resulting from any development (e.g. release of suspended solids or other contaminants from

¹ NPWS (2020) Conservation objectives for Charleville Wood SAC [000571]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.

construction) would have negative effects upon aquatic biodiversity and flora and fauna. Having regard to the hydrological connection to Charleville Wood SAC there is potential for indirect impacts on downstream water quality during construction and I concur with the conclusion of the AA Screening report in this regard. I consider that there is also potential for indirect impacts on water quality arising at operational stage related to the proposed storage of wastewater on the northern perimeter of the application lands and potential for surcharge / leakage into ground and adjacent surface waters. I note that the submitted AA Screening Report and NIS consider only potential impacts arising from construction activities.

10.1.7. The development proposes the collection and attenuation of surface water run-off to greenfield rates. There will be no change in respect of final discharge to the Tullamore River. Having regard to the small site area relative to the catchment of the river, significant effects on the hydrological regime impacting on the SAC are not considered likely.

10.1.8. The submitted NIS fails to consider the proposed works related to the provision of new cycle lanes on Clonminch Road. In this regard I note that the proposed works comprise the provision of at grade and shared cycle facilities over a distance of approx. 1.75km. The extent of construction activity related to such works would be limited and not likely to give rise to significant emissions. Having regard to separation from the SAC, I am satisfied that significant effects from such works are unlikely. I note that there are no significant development proposals within the surrounding area with which the development could act to have significant in-combination effects on the SAC. I note that the Screening Assessment and NIS consider only the subject application and do not consider the wider development of the Eastern Node. The adjoining approved Part 8 housing scheme to the north of the subject site was itself subject to Appropriate Assessment.

10.1.9. Having regard to the above, it is considered that significant indirect hydrological impacts from the proposed development cannot be ruled out and stage II assessment is therefore required.

Stage II

10.1.10. Potential Effects:

Potential significant effects on the SAC arising from the proposed development are identified as potential indirect hydrological impacts on surface and ground water quality, and associated downstream effects on the SAC.

10.1.11. Mitigation

Surface water from the lands drains to the north and east, eventually discharging to the Tullamore River. The NIS refers to the use of erosion control measures at construction stage, such as settlement ponds and silt fences, to be subject to design and to be in place prior to the commencement of site excavations. I note the measures identified in the Outline Construction Management Plan submitted with the application in this regard. Similarly, containment measures for fuels, chemicals and setting concrete are to be implemented. Subject to such measures, significant impacts from the discharge of sediments and other contaminants to surface waters are not considered to be likely to arise.

The NIS fails to assess the proposed wastewater storage facilities on the northern site boundary and the potential for impacts on adjoining surface waters in the event of failure of these systems. No mitigation is identified in this regard and it is understood that the final design of such measures has yet to be agreed with Irish Water. While the design of such measures could adequately address this risk, there would appear to be inadequate information on the file at this time for the Board to arrive at a definitive conclusion in this regard.

GSI data indicates that the site overlies a locally Important Aquifer - moderately productive only in local zones, of Medium and High vulnerability. The area is characterised by moderate permeability subsoils, overlain by well-drained soils. While there is potential for discharge of silt and contaminants to ground, I consider that this could be adequately addressed by standard construction measures, including the lining of settlement ponds etc and containment of chemicals and fuels etc, and I note the measures identified in the Outline Construction Management Plan submitted with the application in this regard. Having regard to the characteristics of soils in the area and subject to such standard measures, significant impacts from discharge of sediments to ground are not considered likely.

10.1.12. Conclusion

Having regard to the foregoing, I am not satisfied that sufficient information is available in order to enable a full assessment of the risk of significant adverse effects arising from the proposed development. In particular, it is considered that detailed information on the storage of wastewater on the subject lands and measures to obviate potential impacts on adjoining surface water quality and downstream European sites is required. This matter might be addressed by way of a request for further information however, in its absence I consider that the Board is precluded from granting permission in this case.

11.0 Environmental Impact Assessment

11.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development is described in section 3.0 above and also in subsequent sections of this report. It broadly comprises the construction of 358 no. dwelling units, neighbourhood centre and creche, and associated works, at Clonmimnch and Gayfield, Tullamore, Co. Offaly.

Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The current proposal is an urban development project that would be in the built-up area of a town. The site area is in excess of 10ha and the submission of an EIAR is therefore mandatory in accordance with the provisions identified above. I note that the application site comprises part of a wider Masterplan area, however, the EIAR submitted with the application is restricted to the consideration of the subject application and not the overall Masterplan.

11.2. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal. A

summary of the results of the submissions made by the planning authority, prescribed bodies, appellants and observers is set out at Section 7.0 of this report. These are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

11.3. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 15 provides a summary of the identified impacts in general terms and Chapter 16 summarises proposed mitigation and monitoring measures. Section 2.5 describes the competency of those involved in the preparation of the EIAR. Chapter 3 describes the site. As required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors:

Ch. 4 Population and human health;

Ch.5 Biodiversity

Ch. 6 Land and soil

Ch. 7 Water (hydrology and hydrogeology)

Ch. 8 Air and climate

Ch. 9 Noise and vibration

Ch. 10 Material assets – Traffic

Ch. 11 Material assets – Site Services

Ch 12 Material assets – Waste

Ch. 13 Cultural heritage

Ch. 14 Landscape and visual

It also considers the interaction between the above factors.

11.4. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised above. I am satisfied that the participation of the public has been

effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.5. Consideration of risks associated with major accidents and/or disasters.

11.5.1. Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered. In this regard I note that a site specific flood risk assessment in respect of the development was undertaken and that this is addressed further in chapter 7 of the EIAR. The assessment concludes site is not in an area at risk of flooding and is appropriate for residential development, and is not likely to increase the risk of flooding elsewhere.

11.5.2. A COMAH Land Use Planning assessment was undertaken in respect of a lower tier COMAH site located approx. 500m west of the site, William Grant & Sons Distillery. The risk contours for inner, middle and outer risk-based land use planning zones do not extend close to the applicant site and impacts on the development are therefore not expected. No mitigation measures are identified in the EIAR. Having regard to the location of the site and the surrounding pattern of development, I am satisfied that there are unlikely to be any effects on the project deriving from major accidents and or disasters.

11.6. Alternatives

11.6.1. The requirement to consider alternatives is set out in Article 5(1)(d) of the 2014 EIA Directive and further elaborated on in Annex (IV) (Information for the EIAR). Section 3.6 of the EIAR provides a description of the main alternatives considered including the do-nothing scenario. Having regard to the ownership of the lands and zoning objectives relating thereto, alternative sites are not considered. Design and layout of development is stated to be informed by site surveys and specific development plan objectives for these lands. Alternatives approaches to the development of the lands are identified, including the omission of Phase 3 lands. In broad terms the approach adopted is considered reasonable, and the requirements of the directive in this regard have been met.

11.7. Likely Significant Direct and Indirect Effects

11.7.1. Population and Human Health

Impacts	Mitigation Measures
Dust, noise and vibrations during construction activities. Change from agricultural use. Increase in population and housing stock. Availability of community facilities and amenity space.	Standard construction mitigation measures will address significant effects, including dust minimisation plan. No mitigation is proposed at the operational stage. Adequate provision for educational facilities, subject to servicing and access.
Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.	
Cumulative Impacts: Demand for social and community facilities.	
Conclusion: I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of population and human health.	

11.7.2. Biodiversity

Chapter 5 of the EIAR addresses biodiversity and notes that site visits in May 2019 and June 2020. An Appropriate Assessment Screening Report and a Natura Impact Statement were also submitted with this application.

The lands are zoned for residential development in the current Development Plan and the area is characterised by adjoining residential development and infrastructure (railway and by-pass). The site is assessed as being typical of agricultural land in the area, of local ecological importance. The principle features of interest are the hedgerows which have relatively high biodiversity, though not exceptionally so for

the area. A bat survey revealed common pipistrelle to be the most frequent species, with Leisler' bat also feeding on the site. The populations are described as low.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Loss of agricultural uses. - Soil disturbance during construction may lead run-off of sediment and other contaminants. - Loss of habitats and potential impacts on bats. - Potential downstream impacts on Charleville Wood SAC. - Greater numbers of people and traffic may lead to disturbance of sensitive species. 	<ul style="list-style-type: none"> - Provision of sedimentation basins and other preventative measures subject to a Construction Management Plan. Prevent outflow of suspended solids. - Protect the root systems of peripheral trees to ensure stability. - Timing of site clearance works and tree surveys prior to felling. - Surveys of trees for bat roosts and adherence to the requirements for derogation licence. - Buildings should incorporate provision for bat and bird species. - The operational surface drainage system and full attenuation and discharge at greenfield rates. - Later landscaping work may lead to an increase in certain forms of wildlife. - The lack of topsoil import of will prevent the ingress of invasive alien plants.
<p>Residual Effects: Residual impacts are described as the loss of agricultural land and removal of internal hedgerows, though only 100m of this is of high quality. There will be an overall reduction in the number of field species and a loss of some feeding habitat for bats. Construction management measures and the lack of an ecological connection between the Tullamore River and the lake in Charleville will avoid impacts on impact on the downstream Charleville Wood SAC. There is a question regarding potential operational residual impacts related to the proposed storage of wastewater on-site adjoining surface water bodies.</p>	
<p>Cumulative Impacts: There are potential cumulative impacts with the adjoining Part 8 development, however, having regard to the scale of the development</p>	

these are not considered to be significant. The development will add to the expansion of the urban area with a change in wildlife to those frequenting built-up lands. The wider development of the Masterplan area will give rise to cumulative impacts.

Conclusion: I note submissions from the Dept. of Culture, Heritage and the Gaeltacht and consider that impacts on bats can be adequately addressed by condition. Concerns persist with regard to the potential impacts and required mitigation measures in respect of foul drainage from the proposed development. I refer also to the conclusions of the Appropriate Assessment in section 10 of this report.

I have considered all of the submissions and having regard to the above, I am satisfied that direct impacts predicted to arise in relation to biodiversity would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that indirect or cumulative impacts in terms of biodiversity have been adequately identified or assessed.

11.7.3. Land and Soils

Chapter 6 addresses land and soils. The site is underlain by limestone till and investigations report groundwater at 1.7m – 3m depth. Infiltration tests indicate low permeability soils.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Stripping of topsoil and subsoils, resulting in possible sediment run-off. - Importation of fill (46,000m³) - Construction traffic and plant causing compaction, erosion and sediment run-off, and dust generation during dry weather. - Potential leaks and spills of contaminating materials. 	<ul style="list-style-type: none"> - Standard construction phase measures for the handling and treatment of soils and excavations, and construction traffic. - Standard measures for the handling of contaminating materials and refuelling activities. - Reinstatement of the site on completion in accordance with the landscape architects plan and engineer's drawings.

	- Waste and fuel storage areas will be removed and decommissioned.
Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.	
Cumulative Impacts: Some cumulative impacts with the adjoining Part 8 development, however, having regard to the scale of that development these are not considered to be significant.	
Conclusion: The most significant long-term impact is the loss of agricultural lands for this area, which is not addressed in this section. I note, however, the zoning of the lands for residential uses and the surround pattern of uses in the area. In the context of the location of the site and the availability of agricultural lands in the area, it is not considered that such loss would be unacceptable. I have considered all of submissions made and having regard to the above, I am satisfied that significant impacts in relation to Land Soils and Geology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land Soils and Geology.	

11.7.4. Water (Hydrology and Hydrogeology)

Chapter 7 considers hydrology and hydrogeology. The EIAR notes that a connection to the foul water drainage network is feasible subject to network upgrades. It is noted that pending such upgrade works, Irish Water have agreed to consider temporary solutions to enable development to commence. The principal of storage at the strategic pump station on the lands during critical rainfall events is described as a workable solution to be developed further at connection application stage.

Impacts	Mitigation Measures
- Silt and sediment run-off during construction, and accidental spills and leakages of contaminants including fuels.	- Implementation of a Construction and Environmental Management Plan and the application of standard construction site

<ul style="list-style-type: none"> - Potential operational impacts include reduced ground water recharge and increased surface water runoff, accidental hydrocarbon leaks, increased discharge to foul drainage and water consumption. - There are potential impacts on surface and ground water due to failures in the wastewater storage solution. 	<p>measures for control of run-off and contaminants.</p> <ul style="list-style-type: none"> - Operational mitigation includes the implementation of SUDS measures and maintenance of the attenuation system. - No operational foul drainage or water supply mitigation measures are identified in the EIAR and residual impacts are described as short-term.
--	--

Residual Effects: Potential residual effects are unclear, specifically in relation to wastewater drainage.

Cumulative Impacts: The development will contribute to flows to the wastewater network which is subject to capacity constraints.

Conclusion: Subject to the application of appropriate and standard construction management measures, significant construction impacts on hydrology and hydrogeology are not considered likely. I note submissions from Irish Water with regard to the proposed wastewater connection serving the site. It is understood that the extent and nature of the network upgrades in this area is still under design review. The interim proposal to store wastewater at the site during wet weather periods appears to be subject to final design review and acceptance by Irish Water. The EIAR does not consider possible impacts from such measures and or identify measures to mitigate any failure or overload of this storage facility. I note that in respect of Biodiversity, the EIAR states that there is no likelihood of significant impact during operation if capacity exists at the wwtp.

I have considered all of the submissions including in particular the report of the Chief Executive in relation to this application. I am not satisfied that the potential impacts arising from the proposed temporary wastewater solution on Hydrology and Hydrogeology have been adequately assessed in the submitted EIAR and am not satisfied that in the absence of identified mitigation measures the

proposed development would not have any unacceptable direct, indirect or cumulative impacts thereon.

11.7.5. Air Quality and Climate

Chapter 8 considers Air quality and describes baseline air quality based on EPA analysis of representative locations.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Predicted impacts on human health from dust emissions during construction. - At operation stage some local negative and imperceptible increases in pollutant levels are predicted. - Emissions will not result in a significant impact on human health. 	<ul style="list-style-type: none"> - The pro-active control of fugitive dust through the dust management plan at construction stage. - In respect of climatic impacts, measures include traffic and vehicle management and minimisation of waste. - Operational efficiencies in the heating and electricity systems to be installed to reduce inputs.
<p>Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures. Monitoring of dust emissions during construction is proposed. The climatic impact of development is described as long-term not significant.</p>	
<p>Cumulative Impacts: None predicted.</p>	
<p>Conclusion: The development is not exceptional in terms of the nature of construction activity or the infrastructure elements proposed, and the application of standard construction mitigation measures will address potential impacts. I note that future residential buildings will be subject to building regulation energy standards and significant impacts on air quality are not considered likely. I have considered all of the submissions made in relation to Air Quality and Climate and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed</p>	

development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air Quality and Climate.

11.7.6. Noise and Vibration

Chapter 8 assesses potential with Noise and Vibration impacts. It notes that baseline noise surveys were undertaken during the period of Covid restrictions, which would reduce the baseline noise levels against which the proposed development would be assessed, which would not disadvantage sensitive receptor.

I note comment in internal planning authority reports regarding the location of part of the site in an area subject to a higher night-time noise environment, however, a review of the 2018 Noise Action Plan indicates that this is not the case.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Construction activity may exceed the significance threshold. - Potential vibration impacts on adjoining residential properties. Construction activity will be required to operate below the recommended vibration criteria. - The effect of operational traffic and car park activity is predicted as long-term not significant. 	<ul style="list-style-type: none"> - Mitigation measures must be adopted to reduce the noise exposure at locations less than 30m from the site works. - Adherence guidance set out in BS 5228 for construction sites and noise monitoring will be undertaken during construction. - Operation of construction activity below recommended vibration criteria. - Identified operational emission criteria will be applied to future plant and services and emission limit values.
<p>Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.</p>	
<p>Cumulative Impacts: The assessment is based on a worst-case scenario. No significant cumulative impacts are identified.</p>	
<p>Conclusion: The proposed development works on the site are not exceptional and should not give rise to particular or excessive construction noise impacts subject to standard construction management measures. Observers have raised issues in respect of noise impacts arising from traffic movements</p>	

through Clonminch Woods. Having regard to the nature of those estate roads and the existing suburban environment, I would not regard any noise impacts in this regard as significant negative.

I have considered all of the submissions made in relation to Noise and Vibration and having regard to the above, I am satisfied that impacts that are predicted to arise would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Noise and Vibration.

11.7.7. Material Assets – Traffic

Chapter 10 assesses potential traffic impacts and notes that baseline traffic surveys were undertaken in June 2019.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Potential construction traffic contribution to congestion. - No significant operational impacts are identified in the EIAR. 	<ul style="list-style-type: none"> - Timing of and routing of construction traffic. - The Construction Management Plan and Construction Traffic Management Plan (CTMP) in addition to the Construction and Waste Management Plan will incorporate measures to mitigate the impact of on-site construction activities, including on-site employee parking. - Measures at operational stage include cycle facilities on Clonminch Road, linkages to adjoining lands and provision of bus stops. - A mobility management plan will be developed.
<p>Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.</p>	

Cumulative Impacts: No significant cumulative construction impacts are identified. The operational traffic impact assessment includes the permitted adjacent Part 8 development and accounts for peak hour traffic on the network. Section 10.7.3.1 examines the impact of the development of the entire Eastern Node of the Masterplan area on the adjoining roundabout junction and the signalised junction with R443 can concludes that there is sufficient network capacity to accommodate the development.

Conclusion: Baseline surveys were undertaken in 2019 prior to any Covid restrictions impacting on traffic volumes. I note the extent of public bus services connecting the site to the town centre and Tullamore to other destinations. There appears to be inaccuracies in the stated frequency of daily services identified in chapter 10, particularly in respect of local bus services. Construction traffic is likely to result in some impacts on the local road network, however, having regard to the short-term nature of such impacts and proximity of the site to arterial routes, such impacts are not regarded as significant. The development occupies zoned lands and is subject to specific development plan objectives in relation to transport infrastructure serving the masterplan area. I refer to section 12.4 below for further discussion in this regard. I have considered all of the submissions made and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Traffic and Transport.

11.7.8. Material Assets - Site Services.

Chapter 11 identifies potential impacts on utilities and services,

Impacts	Mitigation Measures
- Potential interruption to ESB's network, Gas Networks Ireland's	- Coordination with utility providers, adherence to the Construction Management plan and method

<p>infrastructure and Eir infrastructure while carrying out works.</p>	<p>statement, compliance with HSA Code of Practise, phasing of works and reinstatement with utility provider requirements.</p>
<p>Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.</p>	
<p>Cumulative Impacts: None predicted. Some potential impacts with the adjoining Part 8 development but subject to the identified mitigation measures these are not considered likely to be significant.</p>	
<p>Conclusion: I have considered all of the submissions made and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Site Services.</p>	

11.7.9. Material Assets - Waste

Chapter 12 considers Waste impacts of the proposed development. Estimates of wate types and volumes likely to be generated during construction are identified.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Construction activity will generate waste for disposal off-site. - At operational stage, the use of non-permitted waste contractors or unauthorised facilities could give rise to inappropriate management of waste and negative environmental impacts or pollution. 	<ul style="list-style-type: none"> - Implementation of the construction and demolition waste management plan and the reuse of excavated materials on-site. - Monitoring during construction will be undertaken. - An Operational Waste Management Plan identifies additional measures for the segregation and treatment of waste materials.

	<ul style="list-style-type: none"> - The proposed development will consolidate development and facilitate improved efficiencies in waste collection. - The EIAR recommends monitoring at operational stage but does not identify responsibility for such activity.
<p>Residual Effects: Residual impacts not predicted to be significant subject to the implementation of mitigation measures.</p>	
<p>Cumulative Impacts: No significant impacts identified.</p>	
<p>Conclusion: I have considered all of the submissions made and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Waste.</p>	

11.7.10. Archaeological, Architectural and Cultural Heritage

Chapter 13 considers Cultural Heritage and Archaeology. The study methodology is noted to include field inspections, geophysical surveys and test excavations.

There are no recorded monuments located within or immediately adjoining the application site. There are no Protected Structures or structures recorded on the NIAH located within the subject site. Test excavations identified two archaeological features within the site, comprising ploughed-out fulacht fia located described as being of moderate local significance.

Impacts	Mitigation Measures
- Potential impacts arise from site excavation works, with potential direct negative and permanent impacts.	- The full recording and excavation of the fulachtaí fia and the monitoring of groundworks across the remainder of the site.
<p>Residual Effects: Residual impacts are not predicted to be significant.</p>	

Cumulative Impacts: No significant cumulative impacts are expected

Conclusion: Extensive surveys and excavations have been undertaken across the subject site. I note the nature of the features identified and their relatively common status across the country. While I note the archaeological comments and recommendations of the Development Applications Unit, I consider that the excavation and recording of these sites under licence would provide satisfactory mitigation of the impacts of the development.

I have considered all of the submissions in relation to Cultural Heritage and Archaeology and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Cultural Heritage and Archaeology.

11.7.11. Landscape and visual impact

Chapter 14 assesses the landscape and visual impacts of the development.

Impacts	Mitigation Measures
<ul style="list-style-type: none"> - Adverse impacts on adjoining properties during construction. - Slight adverse long term landscape and visual impacts but this is not a pristine or sensitive landscape. - The assessment of eight viewpoints from the surrounding area predicts Negligible to Slight adverse impacts. 	<ul style="list-style-type: none"> - Low sensitivity of the landscape. - Perimeter hoarding and fences to limit views during construction and retention of vegetation. - Landscape Design, treatment and retention of existing trees and vegetation and Landscaping design and works.
<p>Residual Effects: Residual impacts are not predicted to be significant, reducing with time.</p>	
<p>Cumulative Impacts: No significant cumulative impacts are expected. Cumulative impacts with the adjoining Part 8 housing development will be minor. There will be cumulative impacts with the overall Masterplan area.</p>	

Conclusion: The lands on the periphery of the urban area are currently zoned for residential and other uses. This peri-urban character is reinforced by the rail and road corridors traversing the area. Views into the site are limited and the area is of low visual and landscape sensitivity. I do not consider that the landscape or visual amenity impacts of the development would be unacceptable. I have considered all of the submissions and having regard to the above, I am satisfied that impacts that are predicted to arise in relation to Landscape and Visual impact would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. Having regard to the development plan objectives and the urban edge location of the lands, the long-term cumulative impacts of the development of this masterplan area are not regarded as significant negative. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape and Visual impact.

I have considered all of the submissions received and having regard to the above, I am satisfied that impacts that are predicted to arise would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of landscape and visual amenity.

11.8. The interaction between the above factors

Table 15.4 of the EIAR sets out a matrix of interactions, identifying the strength of the relationship. Having regard to the foregoing, I note the following interactions:

<p>Population and Human Health</p>	<p>- Air Quality and Climate & - Noise and Vibration</p>	<p>Potential short-term dust and air quality, and noise and vibration impacts during construction. Construction traffic and operational traffic movements may impact on air quality in the area.</p>
---	--	--

	- Water (Hydrology & Hydrogeology)	There are potential interactions in terms of the capacity of wastewater systems to accommodate the development and proposed interim solutions for the storage of effluent. No additional risk from flooding is anticipated.
	- Material Assets: Traffic and Transport	Potential noise and dust impacts arise from construction traffic. Operational traffic impacts on human health are not considered to be significant. Improvements in pedestrian and cyclist facilities will improve modal choice.
	- Landscape & Visual Amenity	Long term landscape and visual impacts. There is potential for positive impacts at operational phase from access to new active amenities.
	- Cultural Heritage & Archaeology	Potential positive impacts arising from excavation of archaeological features and contribution to knowledge base.
Biodiversity	- Water (Hydrology & Hydrogeology) & - Materials Assets: Water Supply, Drainage and Utilities.	Potential for impacts on water quality during construction. Proposed surface water systems will address potential operational impacts on water quality. Potential operational impacts on water quality from wastewater storage.
	- Lands, Soils and Geology	Site clearance works and loss of agricultural lands will impact on habitats.

Land Soils and Geology	- Water - Hydrology & Hydrogeology	Potential for impacts on water quality during construction / excavation works.
	- Landscape & Visual Amenity	Negative visual impacts during the construction / excavation works.
Air, Dust and Climate	- Material Assets: Traffic	Potential dust and air quality impacts during construction and from operational traffic.
Noise and Vibration	- Material Assets: Traffic & Transport	Potential noise impacts on sensitive receptors from construction traffic.
Water: Hydrology and Hydrogeology	- Air Quality and Climate	Implications for surface water drainage design.
	- Landscape and Visual amenity	Potential water quality impacts from run-off during landscaping works.
	- Cultural Heritage and Archaeology	The route of a proposed foul drainage crosses identified site of fulacht fia.

Cumulative Impacts

The proposed development could occur in tandem with the development of other sites that are zoned in the surrounding area, however, there are no current applications or permitted developments in this area currently. The exception in this regard is the development of 19 no. sheltered housing units immediately adjoining the subject site which is considered in the EIAR. Applications for development of the remainder of the Masterplan lands will be subject to EIA / Screening for EIA.

11.9. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and Human Health

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock in the area.
- Potential noise and dust impacts: Adherence to an agreed construction management plan will minimise such short-term impacts on adjacent residents, to include management of construction traffic and implementation of a Dust Management Plan. The mitigation measures identified elsewhere in the EIAR will minimise impacts on adjacent residents.

Biodiversity

- Mortality to fauna during construction: The site is generally of low environmental sensitivity. The removal of hedgerows or scrub should not take place during nesting season and pre-development surveys for bats should be undertaken in accordance with Departmental recommendations and the requirements of the Wildlife Act.
- Pollution to water courses: Best site management practices which will be identified in a Construction Management Plan.
- Disturbance and loss of Habitats: Replacement hedgerows and trees should be of native species only.

Land, Soil and Geology

- Dust generation during works: Adherence to an agreed Construction Environmental Management Plan (CEMP) and standard construction best practise will minimise such short-term impacts on adjacent residents, to include management of construction traffic and implementation of a Dust Management Plan.

Water: Hydrogeology and Hydrology

- Risk of Contamination: Implementation of a Construction Environmental Management Plan (CEMP) to address all potential polluting activities. Run-off containing silt will be treated on site via temporary settlement tanks or equivalent. Containment of contaminating materials including fuels etc..
- Flooding: The site is not located within an area at risk of flooding. The surface water drainage system is designed to accommodate a 100-year storm event.

Air, Dust & Climatic Factors

- Dust impact during Construction: The application of standard construction management measures and the preparation of a Dust Management Plan, including monitoring of dust deposition levels during construction

Noise and Vibration

- Construction Nuisance: Application of best practice control measures and adherence to the CEMP, including monitoring of noise levels during construction.

Material Assets: Traffic and Transport

- Construction traffic impacts will be addressed as part of the Construction Environmental Management Plan (CEMP) to be agreed with the planning authority.

Material Assets: Water Supply, Drainage and Utilities

- Surface Water: Identified surface water management measures during construction will address potential water quality impacts. Operational management of surface water run-off in accordance with SUDS design principles addresses potential impacts on quality and flooding.
- Wastewater: There is potential for contamination of waters arising from surcharge from proposed temporary sewage storage facilities. Design detail have yet to be agreed.

Cultural Heritage & Archaeology

- Potential for disturbance of both identified and unidentified archaeological features addressed through excavation of identified sites and monitoring of other groundworks across the lands.

Landscape and Visual Impact

- Maintenance of existing external site boundaries and implementation of the landscaping strategy will adequately mitigate the visual and landscape impacts.

11.10. Conclusion

I consider that likely significant environmental effects arising as a consequence of the proposed development have generally been identified, described and assessed. I have identified potential impacts on surface water quality arising from the proposed storage of wastewater prior to its discharge into the public sewer network during periods of network capacity constraints, which are not addressed in the EIAR. These effects have the may give rise to a finding of prematurity pending the completion of wider network upgrade works.

12.0 **Assessment**

Having regard to preceding sections of this report, the submissions received from the planning authority and the observers, the comments and conclusions set out in Section 10.0 in respect of Appropriate Assessment and Section 11.0 in respect of Environmental Impact Assessment above, it is proposed to further consider the application under the following broad headings:

- Land use and development principle
- Material Contravention of the development plan
- Design and layout
- Water and drainage
- Roads and transportation
- Landscape and biodiversity
- Cultural Heritage
- Planning Authority Recommendation

12.1. Land use and development principle

- 12.1.1. Observers have raised a number of principle issues in respect of the proposed development, including material contravention of the development plan, conflict with the provisions of the Draft County Development Plan, and lack of demand for development of this scale and type in this location.
- 12.1.2. The extant development plan for the area is the Tullamore Town and Environs Development Plan 2010-2016, which was varied in 2013 to incorporate the Core Strategy (variation no. 2). The duration of this plan was extended and I note that the draft Offaly County Development Plan 2021-2027, which would supersede this plan has recently been published.
- 12.1.3. The current the land use zoning map identifies that the subject lands are zoned primarily for residential use, and further that they are located within a Masterplan Area (Southern Environs) which is subject to Chapter 5 of the Plan. I note that within each identified Masterplan area, the development plan identifies a range of different land uses along with other roads objectives. Third parties have argued that the failure to adhere to the specific objectives for this Masterplan area constitutes a material contravention of the land use zoning objective for the lands, as they are identified on the same land use zoning map.
- 12.1.4. I note the planning authority submission in response to this matter and concur that the proposed development would be in accordance with the land use zoning objectives of the plan. The identification of a site as being subject to the objectives of the development plan with regard to Masterplan areas does not alter the land use objective in respect of those lands. In this regard, I note that *Land Use* objectives for the Masterplan areas identified in section 5.2.1 of the Plan seek to “buttress guidance provided in the development plan for the area”. Accordingly, I consider that the residential development of the lands, with associated neighbourhood centre uses, is acceptable in principle on the lands and does not materially contravene the land use zoning objectives for the area.
- 12.1.5. The location of the proposed pumping station and storage tank within lands zoned as open space is also raised in submissions. The development plan does not expressly refer to such drainage infrastructure in the land use matrix but does provide for

recreational uses and infrastructure on such lands, as well as bring banks. The proposed pumping station and tank is not significant in scale and will be largely located below ground. The planning authority have not identified this as a material contravention of the zoning notwithstanding its impact on the open space function. Having regard to the largely below ground nature of the infrastructure, the extent of the open space zoning and the overall masterplan area, I would not regard this aspect of the development as unacceptable in principle or in material contravention of the zoning objectives of the plan.

- 12.1.6. Observers submissions have also raised issues in respect of Strategic Environmental Assessment. In this regard, I note that the 2010 development plan was subject to SEA and further that Variation no. 2 of the Plan, adopted in 2013, was subject to Screening for SEA under the Planning and Development (Strategic Environmental Assessment) Regulations 2004. It is not the role of the Board to retrospectively review the adequacy of any such assessment.
- 12.1.7. In terms of the core strategy, Variation no. 2 of the town development plan, provides that up to 25% of the residentially zoned lands in the four Masterplan areas identified as Phase 1 lands, will be available for housing development in the lifetime of the plan. The planning authority have confirmed that given the lack of development to date within the defined Masterplan areas, the proposed development would accord with this provision of the core strategy. The core strategy also states, however, that lands outside of Phase 1 of the master plan areas will not be considered under the lifetime of this plan.
- 12.1.8. Within the Southern Environs Masterplan area, four Nodes are identified, namely the Spollenstown, Enterprise, Charleville and Eastern nodes. The application site is located within the Eastern Node, which includes 17ha of residentially zoned Phase 1 lands and 22.67ha of Phase 3 lands. Section 5.4.4 states that while a degree of flexibility must be provided, implementation of the masterplan will occur on a phased basis. Subject to the specific objectives identified in Table 5.5, the sequential development of these lands includes the development of the northern and eastern portions of the Eastern Node prior to the western and southern sections.
- 12.1.9. The subject application includes a portion of southern, Phase 3 lands with the site. While the development would be in accordance with the land use objectives for the

site, the inclusion of these Phase 3 southern lands is considered to constitute a Material Contravention of the Core Strategy and the provisions of the plan relating to the development the Eastern Node. The planning application is therefore accompanied by a Material Contravention Statement and this matter is considered further below.

- 12.1.10. Table 5.5 states that both the Charleville Node and the Eastern Node will be developed as residential areas in the longer term only following development of the Spollenstown node. This approach to the development of the Southern Environs area reflects policy TTEP 04-01 of the development plan which states it is policy to implement the sequential approach in assessing proposed housing developments, i.e. develop from the centre first, to avoid isolated development in outer zoned areas, which policy is not considered unreasonable. I note that no development on the Spollenstown Node has taken place to date and the proposed application would therefore be contrary to this objective. This provision of the development plan is not addressed in application documentation or identified in planning authority reports.

12.2. **Material Contravention of the Development Plan**

- 12.2.1. The Material Contravention statement submitted in accordance with Section 8(1)(iv)(II) of the Act of 2016 states that it addresses a potential material contravention of the Tullamore Town and Environs Development Plan 2010-2016 (as varied) in relation to the development of Phase 3 Masterplan lands and policies TCSP-03 and TTEP 04-01. The statement does not address the provisions of Table 5.5 which refers to the development of the Eastern Node only following development of Spollenstown Node. I therefore deal with these items separately below.

Development of Phase 3 lands

- 12.2.2. The statement describes the area of Phase 3 lands included in the application as minimal and immaterial (3.5ha), comprising 1.2% of the residentially zoned lands in the combined Masterplan areas, 1% of the overall Southern Environs Masterplan area and 6% of the Eastern Node lands (58ha). This minor change is described as appropriate in terms of land-use, urban design and architecture without undermining the objectives of the Core Strategy phasing. The statement sets out a justification

for the potential material contravention of the plan, with regard to S.37(2) of the Act, as described in section 6.6 above.

12.2.3. I note that the development plan expressly provides that no lands outside of Phase 1 of the master plan areas will be considered for development under the lifetime of that plan and does not provide for any exceptions in this regard. Furthermore, in respect of the Eastern Node it is an express objective that the northern and eastern portions will be developed prior to the western and south sections of this node.

Notwithstanding the explicit nature of these provisions of the development plan I note that the lands in question comprise approx. 3.5ha of residentially zoned lands which would have an indicative capacity of 122 dwelling units (based on a density of 35/ha). In the context of the Phase 1 lands in the Eastern Node, this comprises an approx. 20% increase on the already identified Phase 1 lands. Having regard to the foregoing points, I would therefore regard the proposal in this regard as material.

12.2.4. Section 9(6)(c) of the 2016 Act provides that the Board may only grant permission for a strategic housing development that would materially contravene the development plan where the Board considers that, if s.37(2)(b) of the 2000 Act were to apply, it would nonetheless grant permission for the proposed development. Having regard to the provisions of S.37(2)(b) of the 2000 Act, as amended, I make the following comments:

(i) *The proposed development is of strategic or national importance,*

I note the provisions of the National Planning Framework and Rebuilding Ireland and the argued contribution of the proposed development to housing provision in Offaly and Tullamore. The development comprises the first phase of the proposed development of a block of residentially zoned lands in Tullamore. While locally significant in scale, I do not consider that it comprises a development of strategic or national importance. It is clear that there are extensive residentially zoned phase 1 lands available in the town and no specific requirement has been identified for the development of phase 3 lands in advance of more centrally located Phase 1 lands, which could satisfy this housing need.

(ii) *There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*

While the applicants argue that the development plan is inconsistent with current Regional Planning Guidelines, I do not consider that there is an inconsistency or conflicting objectives within the development plan itself with regard to the inclusion of such Phase 3 lands within development proposals brought forward as part of Phase 1. It is not apparent that a variation of the core strategy of the development plan in line with the current RSES would justify the inclusion of additional residential lands in Phase 1.

- (iii) *Permission for the proposed development should be granted having regard to regional spatial and economic strategy, guidelines under S.28 policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

It is argued that the development accords with the RSES in terms of the provision of housing to support the regional role of Tullamore as a *Key Town* and its employment function. Consistency with S.28 guidelines is also cited by the applicants.

I note the arguments presented, however, there are no specific provisions of Guidelines or policy directives which indicate that permission should be granted in contravention of the provisions of the development plan in this case. There are sufficient zoned phase 1 lands available to meet the population growth projections for the town. The current RSES does not provide a basis for an increase in the availability of residential lands in the town.

- (iv) *Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

The relatively low levels of residential development in the town are identified in submissions and it is argued that the development will meet a resulting housing need and help to counteract dispersed rural housing development. It is also argued that the development will counterbalance permissions granted for multi-unit schemes on the northern side of the town. I note the arguments presented, however, the lack of development in the surrounding area does not provide a justification for the material contravention of the development plan in respect of these Phase 3 lands. In fact, the contrary could be argued in this regard. There are adequate Phase 1 lands to meet any housing need in the town, including lands on the southern side of the town.

12.2.5. I therefore conclude, in accordance with S.37(2)(b) that there is insufficient basis on which to consider a material contravention of the development plan in this instance.

Development prior to development of Spollenstown Node

12.2.6. As noted in 12.1.10 above, Table 5.5 of the development plan states that the Eastern Node will be developed only following development of the Spollenstown node. This provision of the plan, while not expressed as a specific *objective*, is clear and is consistent with development plan policy TTEP 04-01 with regard to sequential development. I note that no development on the Spollenstown Node has taken place to date and I am of the view that the proposed development would be contrary to this provision of the plan and to objective TTEP 04-01 and would therefore materially contravene the development plan for the area. This contravention of the plan differs from that described in the Material Contravention Statement and in 12.2.2 above, as the issue relates to all land within the Eastern Node, whether zoned as Phase 1 or Phase 2.

12.2.7. This provision of the development plan is not addressed in applicant's Statement of Consistency or Material Contravention Statement, however, I note that this issue has been raised by Observers in submissions on the application. Where the Board concur that the proposed development would materially contravene the provisions of the development in this regard, I would be of the view that the failure to address the matter in the Material Contravention Statement submitted in accordance with Section 8(1)(iv)(II), is a fundamental flaw in the application.

12.3. Design and layout

12.3.1. Issues raised by observers include inappropriate design and layout for this peripheral location, particularly with regard to proposed apartment provision, and the failure to provide appropriate neighbourhood facilities.

12.3.2. The proposed development comprises a mixture of houses and apartments (172 houses and 186 apartments) with apartment buildings rising to up to 5-storeys. The overall density of development is relatively low at 36 units / ha, based on the extent

of residentially zoned lands, however, having regard to the peripheral location of the site outside Tullamore and the provisions of the development plan for these lands, such densities are not considered to be unacceptable in principle. I note internal planning authority reports which regard such densities as excessive, however, the site would be classified as an Outer Suburban / 'Greenfield' site in the Sustainable Residential Development in Urban Area Guidelines which encourages densities in the general range of 35-50 dwellings per hectare. The proposed density is greater than adjoining development, however, this does not necessarily imply that there will be impacts on adjoining amenities or on the character of the area.

12.3.3. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, note that the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors, including availability of public transport, proximity employment and urban amenities. The subject lands would be most closely identified as a Peripheral and less Accessible Urban Location, described generally as being suitable for small-scale higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (<45 / hectare net). The provision of apartments can allow for greater diversity and flexibility in a housing scheme, whilst also increasing overall density. In accordance with the guidelines therefore, apartment provision can be considered on the lands although the guidelines suggest that such provision would be in the minority on larger development sites. The proposed level of apartment provision on the site equates to approx. 52% which may be considered excessive in this context.

12.3.4. The application relates to the first phase of development within the Eastern Node. It is the policy of the development plan that a detailed masterplan be prepared for each node, in consultation with the Planning Authority, prior to the submission of a planning application for development. It is clear in this instance that the planning authority were not actively involved in the submitted Masterplan and that it was not subject to prior agreement with them. While there is reference in the application to engagement with other landowners it is not clear that agreement has been reached with such parties and in this regard it would appear that landownership has influenced the alignment of the proposed Link Street to some extent.

12.3.5. The proposed Nodal Masterplan sets out a justification for the inclusion of Phase 3 lands in this application on the basis of:

- The indicative nature of the development plan ‘phasing line’ based on a road line which should instead be based on existing physical boundaries.
- Single sided development would lack a sense of identity / place and raise issues in terms of maintenance of lands to the south of the link road.
- It facilitates development closer to services and linkages at Clonminch Road.
- The adjusted road line improves the built form and design of the entrance.
- The Link Street requires a critical mass of development on both sides to off-set construction costs.

The development plan objectives identify the route of the link road slightly further south on the lands. While minor realignment in this regard may not be regarded as material, the proposed alignment of the road as it traverses the lands would appear to undermine its function. This matter is considered further in Section 12.4 below. There is some merit in the argument that its realignment to allow development on both sides of the route provides for the more efficient use of the lands, however, the design arguments do not overcome the more fundamental issue of the material contravention of the phasing provisions of the development plan.

12.3.6. I note that proposed Phase 1 of this application comprises 228 no. units, which includes the Phase 3 lands but does not provide for any community or neighbourhood services and facilities, or creche. The suggested *minor* inclusion of the Phase 3 lands in this case therefore accommodates additional residential units while pushing the provision of such community infrastructure into later phases of development. This would be contrary to the intent of the development plan and masterplan objectives for the lands.

12.3.7. The surrounding pattern of development predominantly comprises lower density, single and two-storey housing. To the west of the R443 / Clonminch Road, opposite the site is a three-storey commercial building while lands further west are identified for employment uses. The Central Business Park to the north west includes a number of government offices, while much of the adjoining commercially zoned lands remain undeveloped. In this context, the proposed 3-storey apartment building

at the entrance to the proposed development from Clonminch Road, Block A, is not regarded as being unacceptable or out of character.

- 12.3.8. The proposed main access road (Crofton Road), described as a Link Street in the application, leads to a large area of open space and is fronted by two-storey housing. The extent of roads and surface car parking provision along this road, including the parallel road to the south, and the resulting separation between building frontage provides for a vehicle dominated streetscape and fails to achieve satisfactory levels of enclosure and sense of place, notwithstanding proposed tree planting. In this regard I note that section 2.2.1 of DMURS provides a concise description of the design elements which contribute to a sense of place, namely connectivity, enclosure, active edge and pedestrian activity. I am of the view that the proposed development fails to satisfactorily establish these elements.
- 12.3.9. The scheme generally provides for two-storey housing adjacent to adjoining residential lands. Proposed house design and window orientation is used to reduce potential impacts on adjoining properties. In this regard, significant impacts on adjoining properties in terms of overlooking or overbearing are not considered to arise, notwithstanding the change in the character of these adjacent lands. Notwithstanding comments in planning authority reports, it is not considered that overlooking of the adjoining Part 8 development to the north from apartment Block A would arise.
- 12.3.10. Apartment Block C, located on the northern side of the main access road, accommodates 9 no. apartments over three floors. The orientation and layout of the block will obviate undue impacts on the amenities of residential properties under construction to the north. The communal amenity space for this block and its orientation would not provide high levels of amenity, although the block is adjacent to one of the main areas of public open space. I consider that the arrangement of parking and roads to the front of this block provides for a very high level of hard surfacing poor articulation of this corner, however.
- 12.3.11. Apartment Blocks B and G to the south of Clonminch Square rise to 5-storeys in height. In the context of the adjoining open space to the north, the height of the blocks could be accommodated on the lands. Proposed Apartment Blocks D and E comprise 3 - 5-storey perimeter blocks, providing a mixture of lower level duplex

units, and shared access apartments. The western block, Block D is three storeys on its western side and four-storeys facing Block E, while Block E rises to five storeys. The communal courtyard space varies in width from approx. 15m to 23m. for block D and 23 – 26m approx. for Block E. No daylight or sunlight analysis of these courtyard spaces has been provided however, having regard to the height of the blocks and extent of the spaces, they are likely to achieve the BRE guideline values for open space. Greater analysis in this regard would be useful.

12.3.12. The internal layout of the blocks appear to generally accord with the accommodation standards of the apartment design guidelines. I would query the quantum and nature of internal apartment storage however. The level of provision for some units would appear to be deficient while in other cases compliance with para 3.31 of the guidelines is not clear. In more general terms, I would query the rationale for such highly urban forms of development in this peripheral location in the town, particularly perimeter blocks of the nature of Blocks D and E.

12.3.13. Blocks D and E are otherwise fringed by extensive surface carparking which provides for a vehicle dominated layout, notwithstanding the proposed 20m wide “green street” separating the blocks. The arrangement of such parking along roads serving the future school site is also considered unsatisfactory and regard should be had to the future function of these streets in the design and layout of development.

12.3.14. While apartment blocks are provided as relatively taller structures, the proposed neighbourhood centre comprises a curved two-storey block, accommodating medical uses over ground floor commercial / retail. Notwithstanding the narrative provide in the Architectural Design Statement, while the neighbourhood centre is located centrally within the Masterplan lands in accordance with the development plan zoning, it does not have a prominence or legibility appropriate to its role in this development area. A significant contributor in this regard is the relationship of the *Link Street* with the centre and the lack of access thereto.

12.3.15. The scheme provides 11 no. vehicular parking spaces along the link road to serve the centre, while off-street parking for the centre is otherwise provided to the rear of the block but is not accessible from the Link Street. Such arrangement is not considered satisfactory in terms of access to the centre or the function of the proposed Link Street. The proposed route of the Link Street bisects the

neighbourhood centre zoning and the proposed creche facility is separated from other community centre uses. The rationale for this route is not clear, however, it is considered that the consolidation of such community and neighbourhood uses in accordance with the zoning objectives would provide a more satisfactory and efficient layout of development, and would facilitate efficiencies in access and parking etc. The detail provided in the Masterplan proposals for Phase 2 of this Eastern Node does not resolve these issues.

- 12.3.16. Phase 1 of the development comprises 223 no. units, while the proposed childcare facility comprises part of Phase 2 of this application. While I note proposals for use of the ground floor of Block A as a creche pending the delivery of Phase 2, I would not be in favour of such temporary arrangements, however, and consider that in the context of the masterplanned development of these lands, such facilities should be provided in a comprehensive manner. I refer to my comments in section 12.2.6 in this regard. I would also regard the juxtaposition of the proposed creche and ground floor residential units in Block A as inappropriate and detrimental to the amenities of future residents thereof.
- 12.3.17. I note the proposals of the Masterplan and correspondence from the Dept. of Education with regard to the requirement for provision of schools at this time. The Department identify a requirement for the school site to be adequately serviced by roads and infrastructure, and the site being available for development when required. Such comments are not considered to be unreasonable.
- 12.3.18. The Link Street does not readily serve the school site and I would concur with planning authority submissions with regard to the lack of a coherent strategic road layout serving the lands. The proposed layout requires traffic accessing later phases of residential development as well as neighbourhood centre and school uses to traverse local residential streets, including existing roads in Clonminch Wood. The proposed Link Street does not appear to be performing its role in this regard.
- 12.3.19. Access to adjoining residential lands in Clonminch Woods is provided for in the layout, although not available at this time. In principle, improved permeability through residential lands is supported. I have concerns, however, that completion of such connections in this case would create or extend existing long straight residential access roads which would not adhere to the principles set out in DMURS.

The circuitous nature of the proposed internal road network would make that route a more attractive option of traffic accessing the subject lands. I would also query the design of the proposed pedestrian linkages, including that north from Clonminch Mews and south from Clonminch Drive with regard to the level of supervision and pedestrian security achieved. This could be resolved through revisions to the design and layout of the development.

- 12.3.20. In overall terms, I consider that the proposed layout of development, which is heavily influenced by the unsatisfactory alignment of the proposed Link Street, results in a development which is dominated by roads and surface car parking and fails to establish a sense of place and connectivity.

12.4. **Drainage and Services:**

- 12.4.1. Observers raise issues of prematurity pending sewerage network upgrades in the area and inappropriate proposals for storage of effluent on the site.
- 12.4.2. Surface Water: The site is currently drained via a network of open drains, which flow north via a culvert under the adjacent to the railway line to an existing 375mm diameter surface water drain at Chancery Lane to the north. It is proposed to collect and attenuate surface water flows from the proposed development prior to discharge to this network at the northern boundary of the lands adjacent to the railway.
- 12.4.3. Surface water runoff from the site will be collected in four catchment areas prior to discharge off site via an attenuation tank, flow control device and separator arrangement. With the exception of the western Catchment D, attenuation tanks are sized to attenuate a 1 in 30-year storm event, with the difference between the 1 in 30-year event and the 1 in 100-year event being attenuated above ground in shallow basins. These basins (3 no.) generally overlie the attenuation tanks and, in respect of catchments A and B, occupy significant areas of Clonminch Square and St. Colomba's Green. Surface water runoff from the road network will be directed to tree pits with high level overflow to the piped surface water network.
- 12.4.4. The SSFRA concludes that the proposed residential development is suitably located in Flood Zone C and is considered to have the required level of flood protection up to and including the 1% AEP flood event. The SSFRA notes that during storm events

>1% AEP, the drainage network design will be exceeded and areas with low ground levels will begin to flood. Overland flow is therefore stated to be directed towards open space areas. The SSFRA concludes that the management of the surface water drainage network will satisfactorily mitigate residual flood risk.

12.4.5. Proposed attenuation areas are located under areas of public open space. Such an approach is provided for in SUDS design principles and I do not consider this to be unacceptable in principle. I would, however, query the proposal for storage of surface water flows for >30-year events in the main active open spaces in the development at Clonminch Square and St. Colomba's Green. It is not clear that these are accounted for in the landscaping proposals accompanying the application and will have potentially negative impacts on the quality and usability of these spaces. Having regard to the extent of lands available there would be scope to provide adequate storage and attenuation without potentially compromising with the amenity value of these spaces.

12.4.6. The existing culvert under the railway is described as a 600mm drain, however, no analysis of the condition or capacity of this drain is provided. At time of site inspection, water at this culvert appeared to be backing up with little apparent flow. Notwithstanding this, water levels in field drains on the lands were observed at this time to be very low.

12.4.7. I note the Masterplan objectives of the development plan, and comments of the planning authority, with regard to the provision of surface water amenity features within this Node. Such features do appear to be provided for in the later phases of the Masterplan and I do not regard this as a fundamental issue in the consideration of the application. I would not consider that the development materially contravenes the objectives of the development plan in this regard.

12.4.8. Foul Drainage

Due to the fall across the site, a foul pumping station will be required to facilitate a connection from the development to the existing 225mm diameter public foul sewer flowing north on Clonminch Road. The proposed foul pumping station is to be located in the north-east corner of the site adjacent to the railway line and surface

water drains, on open space zoned lands, and will serve other lands within the Eastern Node.

There are current downstream constraints on the wastewater network, associated with the capacity of existing pumping stations in the town particularly during periods of heavy rainfall. It is understood that there is adequate capacity in the wastewater treatment plant to accommodate the proposed development and the 2019 AEP for the plant notes that it was in compliance with its licence parameters. The application identifies three options to overcome these existing capacity constraints and facilitate the development:

- Provision of on-site storage during periods of inundation at downstream pumping stations.
- The separation of existing surface water flows / connections to combined sewers to reduce flows at existing downstream pumping stations.
- Phasing of development in line with capacity.

These options are described in the Infrastructure Design Report. Although not explicitly stated, it would appear that the first option identified is to be progressed as part of the application, however, the final solution design is to be developed at connection application stage.

The application therefore provides for wastewater storage at the proposed pump station during critical rainfall events in order to obviate overloading of downstream pumping stations. The Infrastructure Design Report indicates that this will be sized to facilitate storage of 72 hours dry water flow for Phase 1 of the proposed development, stated to comprise 200 no. units. In order to address potential nuisance issues arising from this solution, the pumping station and storage facility is located away from property boundaries and odour mitigation measures will be implemented.

I note the planning authority reports in this regard which suggest that the network capacity issues are not infrequent or of short duration in nature, and which further indicate that pumping stations have no capacity for additional development. In this regard, it is not clear that the proposed level of storage would be sufficient to overcome the existing pump capacity issues during significant rainfall events. While I acknowledge that the sizing of such tank could be modified, the period of residence

in the pumping station / rising main is an important consideration. It is understood that details of the design and layout of the pump station and associated infrastructure are to be subject to agreement with Irish Water at connection agreement stage. While I note correspondence from Irish Water, I would query whether there is sufficient evidence for the Board to determine that the proposed interim solution would satisfactorily address the existing network constraints in the area.

The Infrastructure design report states that a similar storage solution was accepted under ABP-302141-18, however, on examination I note that this was not the accepted design solution in that case. A similar approach was accepted under ABP-300606-18, however, in that case the development was subject to the upgrading and provision of storage at an existing public pumping station located off-site.

Correspondence from Irish Water does not object to the proposed development but does note that upgrade works to the existing wastewater network will be required. It is indicated that modelling of the existing drainage network is underway and that any site-specific upgrades required to facilitate this development will be confirmed at connection application stage. Correspondence does not identify a specific solution or timeframe for the undertaking of such works. Notwithstanding this uncertainty, a statement of design acceptance has been issued in respect of the development.

Based on application documentation, the network upgrade works appear to comprise the laying of a new interceptor sewer over a distance of approx. 1.75km, to Tullamore WWTW to reduce loading on exiting pumping stations in the town, however, no timeframe for completion of such works has been confirmed. Planning authority reports note that while implementation of such upgrade works would facilitate the development, they are at design stage and may not be constructed for some years. The planning authority therefore regard the development as premature.

With respect to the network improvements, it is understood that the studies / Drainage Area Plan being undertaken by Irish Water relate to all catchments of the Tullamore WWTW, including Clonminch Road. It is not clear what prioritisation will be applied to these catchments pending completion of the Drainage Area Plan. It is also not clear what regard would be had in formulating such plan to the provisions of the Draft County Development Plan relating to Tullamore.

In conclusion, I am not satisfied that it has been adequately demonstrated that the interim wastewater drainage solution would adequately overcome the existing network capacity issues in the town. Furthermore, in the absence of certainty at this time with regard to the nature of network upgrade works and the timeframe for completion of same, it would not be appropriate to grant permission for the proposed development subject to such works being complete, notwithstanding Irish Water reports in this regard. I consider therefore that there is insufficient information available on the file currently to determine with certainty that the proposed development could be adequately serviced and would not be premature pending network improvements in the town.

12.4.9. Water Supply:

There are existing water supply connections available on Clonminch Road and Irish Water correspondence indicates that the Clonaslee Water treatment Plant must be upgraded to facilitate this development. These works are due for completion in Q3 2020. I am satisfied that the development could proceed subject to conditions in this regard.

12.5. **Traffic and Transportation**

12.5.1. Observers raise issues with regard to deficiencies in the traffic impact assessment, existing congestion on Clonminch Road, impacts of vehicular access through Clonminch Woods, deficiencies in the design of the proposed link street, deficiencies in public transport in the area and in the design of cycle facilities.

12.5.2. The proposed development has regard to the development plan road's objectives for this Masterplan area. The junction with Clonminch Road R443 will comprise a new signalised junction, with the potential to accommodate a fourth arm to the west in the future. Two bus-stops are provided for on Clonminch Road and it is stated that the Link Street has been designed to accommodate potential future bus services. I note that the existing urban speed limit commences along the frontage of the site and

some amendments to this zone would be necessitated by the proposed development.

- 12.5.3. The Infrastructure Design Report describes the proposed link road running through the lands as a DMURS style "Link Street", typically 6.5m wide with 2m wide footpaths and cyclepaths. It is argued that the alignment of the Link Street will naturally slow traffic and that it links a series of open spaces interspersed with buildings fronting directly onto the street in a DMURS compliant manner. I note the provisions of DMURS with regard to such Link Streets and the role identified for this route in the development plan for the area. The proposed route includes a number of sharp bends for which there does not appear to be any strong rationale. I note that the route traverses part of the Neighbour centre zoned lands and the resulting relationship between the route and this centre in this first phase of the Eastern Node is unsatisfactory. It is not clear from the Masterplan that the proposed road alignment will provide for a satisfactory relationship with possible later phases of this centre.
- 12.5.4. The planning authority and the NTA have both raised concerns with regard to the design of this road and in particular its horizontal alignment. I concur with these submissions and consider that significant redesign of this route would be required in order for it to perform its required function satisfactorily. I note that the DMURS compliance statement accompanying the application does not address the Alignment and Curvature provisions of the guidelines.
- 12.5.5. It is an objective of the Masterplan that the link street be provided along with a bridge over the railway to connect to Chancery lane. The development plan indicates that the Masterplan should include details and costings for the implementation of these works. The submitted masterplan is not before the Board for approval, however, I note that certain detail in this regard has been provided. Construction of the bridge is not provided for in the proposed masterplan phasing plan. The planning authority have not raised any objections to the development in this regard and, beyond the alignment of the proposed link road, I do not regard this as a significant issue in the consideration of this application. The application of any development contribution scheme in respect of these works would be a matter for the planning authority.

- 12.5.6. With regard to parking I note that perpendicular and on-street parking is provided along the length of the proposed Link Street and adjoining cyclepaths. This includes parallel parking to serve the neighbourhood centre, where off-street parking is otherwise provided via the network of local residential streets. Car parking is stated to be provided on the basis of 2.3 no. spaces per house and 1.3 no. spaces per apartment. The development plan standard is 2 no. spaces per dwelling house or apartment outside of the town centre. This level of provision for apartments, including visitor parking, would accord with the provisions of the apartment design guidelines for such peripheral locations. The level of provision for houses would appear to be excessive, however, and contributes to the overall feel of a car dominated development. It is stated that 52 no. spaces are provided for the neighbourhood centre, comprising 30 no. off-street spaces and 22 no. on-street spaces on the Link Street and on the residential street to the north of St. Columba's Green. I would raise concerns with the nature of such provision along the proposed Link Street and the overall contribution of such provision to the character of the development. As noted above, there would be scope in a rationalised development layout for synergies in the provision of creche and neighbourhood centre parking.
- 12.5.7. I note and generally concur with the submission of the planning authority and the NTA in respect of the proposed cycle lanes within the development site and the potential for conflicts along the route. I note also that there is an overall shortfall in bicycle parking provision, particularly secure resident parking for apartments, relative to the standards set out in the apartment design guidelines. The site is not constrained such that these facilities could not be provided to an appropriate standard.
- 12.5.8. The site is located on the southern edge of the built-up area and is served by the R443. This road was formerly the N80 and was reclassified on completion of the N52 ring road. The N80 commences south of the roundabout junction with the N52. The width and character of the R443 reflects its former role as a national route. The application proposes works Clonminch Road over a length of approx. 1.7km to allow for cycle lanes to be provided on the existing carriageway. The proposed works will commence south of the proposed site access junction and continue along Clonminch Road to a point northwest of the junction with Bachelor's Walk. The cycle works comprise predominantly at-grade cycle lanes, with sections of shared provision at

the northern approach to the town where constraints exist. Cycle lanes are otherwise generally 2 metres in width with the exception of a short 50m of 1.75m wide lanes in both directions.

- 12.5.9. The existing carriageway width facilitates the provision of such facilities without additional land-take or encroachment onto third party lands. The road is currently provided with a central hatched island for much of its length which facilitates numerous right-turning lanes. The proposed works remove this hatched island and reduce existing vehicle lane widths to 3m, which is at the lower-end of the range identified in DMURS for Arterial / Link streets for low to moderate speeds. I note the current 50kph limit which applies along the road in this regard. While a number of right turning lanes along the route are to be retained, 6 no. such facilities are to be removed.
- 12.5.10. The proposed amendments to the route, including the loss of a number of right-turn pockets are not regarded as inappropriate for its current function, while the provision of such cycle facilities would have a positive effect in terms of facilitating more sustainable transport modes. Retrofitting such facilities to existing roads is always subject to constraints and some flexibility in the application of standards is often required. I note the submission of the NTA on this application, however, and generally concur with the comments in relation to the at-grade nature of the proposal. Having regard to the availability of lands, I consider that redesign to provide vertical segregation of cyclists from vehicular traffic would be appropriate in the interests of cyclist safety and comfort, particularly given the proposed reduction in vehicle lane width to the minimum of 3m.

12.6. Landscape and Biodiversity

- 12.6.1. Observers submissions raise issues with regard to the loss of habitats and hedgerows and the impacts on wildlife and species frequenting the lands, particularly bats, and deficiencies in the NIS.
- 12.6.2. The lands are not regarded as being of particular visual sensitivity, having regard to their location on the edge of the urban area and bounded by existing housing and transport infrastructure corridors. I note that these zoned lands are in agricultural (tillage) use. Internal field boundaries comprise low hedgerows of limited ecological

interest and the original field patterns have been disrupted as part of the agricultural use of the lands. The principle features of interest arise on the peripheries of the lands, while the most significant section of internal hedgerow is to be removed. The overall extent of tree loss and removal is not regarded significant in the context of the wider objectives for the lands, however, the internal layout of development on these lands could have incorporated such features to a greater extent. The lands are not highly sensitive from a landscape and visual amenity point of view and the landscape is influenced by adjoining suburban development and road and rail infrastructure.

12.6.3. The ecological surveys submitted did not identify particular sensitivities or features of interest on the lands. These results would appear to be reflective of the agricultural practises carried out. The principle observations relate to the presence of bats feeding on the lands. The site does not contain buildings or a substantial number of trees which would comprise suitable roosting sites and the populations are described as likely to be small. In this regard I note the submission on the file from the Dept. of Culture, Heritage and the Gaeltacht and consider that issues in this regard can be adequately addressed by the application of suitable conditions, in the event of a decision to grant permission.

12.6.4. Significant impacts on biodiversity or on the landscape of the area are not therefore anticipated.

12.7. Cultural Heritage

12.7.1. There are no recorded monuments occurring within the lands, and limited features in the surrounding area. Site investigations uncovered two fulacht fia within the northern portion of the lands. Such sites are a relatively common feature across the country and are regarded as being of local significance in this instance. I note the archaeological comments contained in the submission of the Dept. of Culture, Heritage and the Gaeltacht. Where preservation in-situ is not possible, the submission notes that excavation and recording of the site would be acceptable.

12.7.2. I note that significant modification to the development would be required to preserve site no. 1, the northwestern fulacht fia. There would be greater scope to preserve the site no. 2, however, I would regard the excavation and recording of these sites as acceptable having regard to the nature of these features, in the event of a decision to

grant permission. Archaeological monitoring of groundworks would otherwise be appropriate across the remainder of the site.

12.8. Planning Authority Recommendation

The planning authority has recommended that planning permission for the proposed development should be refused for five reasons. I have addressed these reasons in order below:

1. Non-compliance with the phasing requirements of the plan and contravention of the Core Strategy.

I concur with the recommendation of the planning in this regard and I have addressed this under section 12.1 and 12.2 above.

2. Failure appropriately respond to the established character of the area and contravention of objective EN1 which requires seamless integration with adjacent mature residential areas.

While I have raised a concern with regard to the overall design and layout of the development in section 12.3 above, I do not consider that the established low-density suburban character of adjoining lands should be replicated on the site. Subject to appropriate design, and in accordance with the provisions of the Apartment Design Guidelines, there would be scope for apartment provision on such lands. I do not therefore recommend that permission be refused on the basis of objective EN1 of the plan.

3. The development would be contrary to objective EN2 which seeks to provide surface water areas as amenity features which can function as surface water attenuation systems. The proposed surface water management system fails to deliver an amenity and biodiversity opportunity as envisaged in the plan.

I refer to paragraph 12.4.7 above. While I have raised separate concerns with regard to the design of the surface water management system, as this application relates to only part of the overall Masterplan lands and having regard to the provisions of the submitted Masterplan, I do not agree that that a refusal specifically on the basis of objective EN2 would be warranted.

4. The layout is substandard by virtue of vehicular connectivity as the road layout restricts vehicular permeability and requires a significant volume of traffic to access a myriad of streets where legibility is substandard.

I generally agree with the planning authority conclusion and recommendation in this regard, however, as set out in section 12.5 above, I consider that there is a wider design issue relating to the layout of roads and streets in terms of the creation of a sense of place, connectivity and legibility as described in the Urban Design Manual – a Best Practice Guide and further elaborated on in DMURS. This matter is related to issues identified with the design and alignment of the proposed Link Street.

5. Prematurity given the lack of sewerage network capacity and the period in which such constraints might be expected to cease. The proposal to store effluent could lead to a risk to public health and the environment which has not been adequately assessed in the application

I concur with this reason, as outlined in section 12.4 above. While plans for network improvements are at design stage there is no certainty with regard to scope or timing of such works. The necessary interim solution raises questions regarding potential impacts in the event of failure or overload which have not been adequately addressed in the application. There is therefore uncertainty with regard to potential environmental effects.

13.0 Conclusion and Recommendation

- 13.1.1. The proposed development is located on lands zoned for residential use in the current development plan for the area and is subject to the provisions of the Southern Environs Masterplan. The application site includes lands identified for development as part of phase 3 and the proposed development materially contravenes the provisions of the development plan in this regard. The inclusion of such lands also impacts on the phasing of community facilities and infrastructure in the development of the lands. Having regard to S.37(2)(b) it is not considered that

there is sufficient basis on which to consider a material contravention of the development plan in this instance.

- 13.1.2. I have noted a further contravention of the provisions of Table 5.5 of the plan with regard to the development of the Eastern Node prior to the development of the Spollenstown Node. I regard this matter as a material contravention, which has not been addressed in the submitted Material Contravention Statement.
- 13.1.3. The proposed residential units generally provide satisfactory levels of residential amenity and undue impacts on adjoining properties are not considered likely. The layout and form of development proposed is dominated by roads and surface car parking and fails to achieve a satisfactory sense of place. The design and alignment of the proposed link street is regarded as unsatisfactory in terms of its alignment relative to its function within the wider Masterplan area, and also with regard to its relationship with the proposed uses on the lands. The development does not provide a clear strategic road layout and results in undue traffic movements across local residential streets within the development.
- 13.1.4. There are constraints in the wastewater drainage network in the area and while improvements are currently at design stage, there is no certainty with regard to the nature or timing of such works. Interim measures are proposed to address network capacity constraints, however, there are concerns with regard to the adequacy of those measures and their duration. Final design details in this regard have not been determined or agreed with Irish Water and, notwithstanding correspondence from Irish Water with regard to the capacity of the sewerage network, a definitive conclusion of the potential effects of the such temporary measures on downstream European sites and required mitigation measures cannot therefore be arrived at.
- 13.1.5. In accordance with Section 9(4) of the Act it is therefore recommended that permission be refused of the proposed development for the reasons and considerations set out below

14.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 7th Day of August 2020 by Steinfort Investment Fund, care of Stephen Ward Town Planning and Development Consultants Limited, Jocelyn House, Jocelyn Street, Dundalk A01 O3Y, Co. Louth.

Proposed Development:

The development will consist of 358 no. dwellings in detached, semi-detached, terraced/townhouse, terraced/duplex and apartment form and in buildings ranging in height from 2-5 storeys. All buildings proposed have the option for the installation of photovoltaic/solar panels on front/rear roof slopes depending on orientation.

The development will also provide for supporting neighbourhood uses in a two storey building including 4 no. ground floor neighbourhood units for uses such as shops, cafes and restaurants and a medical centre at first floor level with an overall floor area of 1,700sq.m, and a standalone crèche in a two storey building (1,007 sq.m, with potential capacity for 100 children). The total non-residential floor space proposed amounts to 2,707sq.m. The ground floor of apartment Block A has been designed such that part of the ground floor can be used as a crèche or three apartments.

The overall quantum of public open space provided to serve the development extends to c. 15,389sq.m. Public open space takes the form of both 'green' landscaped and hard surfaced 'civic space' form and is in addition to c. 1,521sq.m of communal space.

Car parking is provided by way of 666 no. car parking spaces including 386 no. in curtilage car parking spaces. 294 no. bicycle spaces are proposed across the site at surface level and bicycle storage rooms in apartment buildings D and E.

Vehicular access is provided from the Clonminch Road (R443) via a new signal-controlled junction. The development provides for future potential vehicular and pedestrian connections from the proposed development to Clonminch Wood. The development also provides for works to Clonminch Road including the provision of 2

no. new bus stops and cycle lanes over a distance of c.1,700m from c.100metres south of the new vehicular junction to the application site northwards to c. 80metres north of its junction with Bachelors Walk (R420), Tullamore, Co.Offaly.

The planning application also includes all associated site development works including a pumping station and associated infrastructure, open space areas, public lighting, Electrical Vehicle charging points and ducting, 6 no. ESB substations, roads, footpaths and cycle paths, landscaping, boundary treatments and service provision, including removal of existing pylons/ESB poles within the site and diverting and undergrounding of existing overhead electrical cables.

at Clonminch and Gayfield, Clonminch Road (R443), Tullamore, Co.Offaly.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included all submissions and observations received by it in accordance with statutory provision

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

15.0 Reasons and Considerations

1. The Core Strategy set out in the Tullamore Town and Environs Development Plan 2010 - 2016 states that a strict sequential approach to the development of lands will be implemented and that lands outside Phase 1 will not be considered in the lifetime of the plan. Policy TCSO-03 further states that development will not be permitted where it conflicts with the core strategy.

The proposed development includes lands identified as Phase 3 residential lands which would contravene the provisions of the core strategy and would therefore materially contravene the development plan. It is not considered that the proposed development would satisfy the criteria set out in Section S.37(2)(b) of

the Planning and Development Act (as amended) and therefore, Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended cannot be invoked in this case.

2. Policy TTED 04-01 of the Tullamore Town and Environs Development Plan 2010 – 2016, states that a sequential approach to development in the town will be implemented. In this regard Table 5.5 provides that the development of the Eastern Node of the Southern Environs Masterplan as a residential area will take place in the longer term only following the development of Spollenstown Node. The proposed development occurs within the Eastern Node and precedes the development of lands at Spollenstown Node and would therefore contravene materially the provisions of the development plan. This matter is not addressed in the statement submitted with the application in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. In this regard, the Board is precluded from considering a material contravention of the development plan in accordance with Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.
3. 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.
4. 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.

5. 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. Notwithstanding submissions from Irish Water having regard to the lack of detail and certainty with regard to such arrangements, and the absence of a Stage 2 assessment of the potential for likely significant effects arising from the operation of such facilities on surface waters and the downstream European site, Charleville Woods SAC, the Board cannot determine with sufficient certainty, the significance of potential impacts on that site, and accordingly the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of that European site in view of the sites' conservation objectives.

Conor McGrath
Senior Planning Inspector

5th November 2020