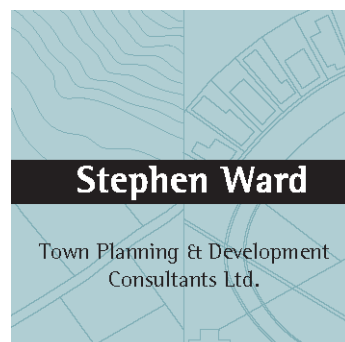


# Response to Written Opinion of An Bord Pleanála ABP-309529-21

**Proposed Strategic Housing Development  
Clonminch/Gayfield, Tullamore, Co.Offaly**



Prepared on behalf of Steinfort Investments Fund



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## 1.0 INTRODUCTION

A pre-application consultation request was made by the applicant to An Bord Pleanála on the 26<sup>th</sup> of February 2021. By letter dated 12<sup>th</sup> of March 2021 An Bord Pleanála informed the applicant that in accordance with Section 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016, An Bord Pleanála had decided to accept the request to enter into consultation.

A pre-application tripartite meeting under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 took place on the 17<sup>th</sup> of May 2021 (Case Ref. ABP-309529-21). Subsequent to this meeting, the applicant received An Bord Pleanála Notice of Pre-application Consultation Opinion prepared under Section 6(7) of the 2016 Act on the 1<sup>st</sup> of June 2021. In compliance with Article 297 (3) of the Planning and Development Regulations 2011 (as amended), this statement addresses the issues set out in the notice.

The Notice of Opinion states that An Bord Pleanála considers that the issues set out in the Notice need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development. The issues to be addressed may be summarised as follows -

### 1. Core Strategy, Phasing and Masterplan

- i) A clear rationale/justification for the release of the 'Third Phase' lands.
- ii) A clear rationale for the development of these lands in advance of other lands within identified nodes of the Southern Environs Masterplan lands including the Spollenstown Node.
- iii) Consideration of Policy TTEP04-01 of variation No. 2 of the Tullamore and Environs Development Plan regarding implementation of the sequential approach and how the release of these lands realises the aims of the Core Strategy and consolidates the urban form at this location.
- iv) A masterplan for the eastern node.
- v) Timing of infrastructure upgrades.
- vi) Statement of material contravention if appropriate.

### 2. Layout and Urban Design Response

- i) Further consideration of the layout for the proposed development having regard to the Urban Design Manual '12 Criteria'. Cross-sections, visualisations and CGIs should be submitted.
- ii) Further consideration to how the layout creates active and aesthetically pleasing urban street frontages, sense of enclosure, elevational treatments to create focal points and consideration of interface between the development site and adjoining neighbourhood lands.

**3. Specific Information to be Submitted with the application (Article 285(5)(b))**

- i) A Report on materials and finishes including openings, balconies, landscaped areas and boundary treatments as well as long term management and maintenance.
- ii) A Life Cycle Report.
- iii) A detailed Landscape Plan for the site which clearly differentiates between areas of public, communal and private open space, surface finishes. Cross-sections, CGIs and visualisations should be provided.
- iv) A detailed schedule of accommodation indicating consistency with 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020).
- v) A Residential Amenity Report (existing residents of adjoining development and future occupants. Drawings showing the relationship between the development and adjacent residential areas should be submitted, including levels and cross-sections.
- vi) Additional CGIs / visualisations showing the proposed development relative to existing development in the vicinity.
- vii) Details to address the matters raised in the report of the Tullamore Municipal District dated the 22/03/21 as contained in the PA Opinion.
- viii) School demand and concentration report.
- ix) Taking in charge details.
- x) Waste Management Details.

**4. Authorities to be Notified (Article 285(5)(a))**

- i) Irish Water
- ii) The Minister for Housing, Planning and Local Government
- iii) The Heritage Council
- iv) An Taisce-the National Trust for Ireland
- v) Transport Infrastructure Ireland
- vi) Iarnrod Eireann
- vii) Commission for Railway Regulation
- viii) Offlay County Childcare Committees

## 2.0 RESPONSE OF THE APPLICANT TO NOTICE OF OPINION

The notice of opinion highlights issues to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development under the following headings. For ease of referencing, the individual sections of the written opinion by An Bord Pleanála are restated (*italic in quotes below*) with the response of the applicant to each item directly following.

### 2.1 CORE STRATEGY, PHASING AND MASTERPLAN

- i) *A clear rationale/justification for the release of the 'Third Phase' lands at this time having regard to the Core Strategy and Development Plan provisions regarding the phasing and release of masterplan lands.*
- ii) *In addition, a clear rationale/justification for the development of these lands in advance of other lands within identified nodes of the Southern Environs Masterplan, including the Spollenstown node, as set out in Table 5.5 of the Tullamore and Environs Development Plan, should be provided which considers the inter-dependency of each of the nodal areas identified and the suitability of the release of such lands at this stage.*

*Having regard to (i) and (ii) above, consideration should be given to Policy TTEP 04-01 of Variation No. 2 of the Tullamore and Environs Development Plan regarding the implementation of a sequential approach and further elaboration of how the release of these lands realises the aims of the core strategy, as set out in section 3.2 of Variation No. 2 to the Development Plan and consolidates the urban form at this location should be submitted.*

- iii) *(iii) A masterplan for the eastern node as it pertains to the delivery of the specific objectives contained in Chapter 5 of the Tullamore Town and Environs Plan should also be submitted.*

*Note: 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.*

*Note: Where the proposal is considered to materially contravene the Tullamore Town and Environs Development Plan, a statement should be submitted indicating why permission should be granted.*

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#### 2.1.1 RESPONSE OF APPLICANT – 'A CLEAR RATIONALE/JUSTIFICATION FOR THE RELEASE OF THE 'THIRD PHASE' LANDS'.

We note Board Direction Note 2 of ABP-307832-20 for the previously applied for SHD on the application site states: *"The Board noted that the proposed development includes lands identified as Phase 3 residential lands but noted that the plan allowed for flexibility and was satisfied that it would not contravene the provisions of the core strategy and would not materially contravene the development plan".*

For clarification, the majority of lands included in the net residential development area of the proposed Strategic Housing Development are located in Sequence Phase 1 (c.6.5ha). This represents 16% of the 40 hectares of Sequence Phase 1 Residential Zoned Masterplan lands in Tullamore permitted to be released over the lifetime of the plan as stated at section 3.4 of Variation No.2. This does not represent any material contravention to the Development Plan Core Strategy.

The proposed SHD net residential development area that falls within Sequence Phase 3 amounts to c. 3.5 hectares. This represents 1% of all Residential Lands within the four Masterplan Areas and 15% of the 22.67 hectares Sequence Phase 3 lands in the Eastern Node of Southern Environs Masterplan Lands.

The applicant is the majority land owner in the Eastern Node. The decision to include c.3.5hectares of lands falling within sequence phase 3 was made following pre-planning advice from Offaly County Council during initial meetings held in 2018 when the applicant acquired the subject lands. It was considered that the encroachment into Phase 3 lands was fully justified in order to achieve a higher quality development and that the flexibility provided for in the core strategy could be applied to this case.

It is acknowledged that Offaly County Council have now diverged from this position. However, the applicant remains of the opinion that the inclusion of a small area of phase 3 lands will result in a higher quality development in terms of best practice urban design policy and guidance and will not undermine the achievement of the Core Strategy. This is based on the following-

- The 'phasing line' that demarcates Sequence Phase 1 from Sequence Phase 3 is based on an indicative road line for the Link Street. In land-use and design terms the 'phasing line' is arbitrary and purely diagrammatic and does not follow any field or other topographical boundaries. The phasing map includes existing residential development on the Clonminch Road in Sequence Phase 3.
- The previous opinion of Offaly County Council was that the encroachment was justified in design and layout terms and that it would not undermine the achievement of the Core Strategy objectives. It is acknowledged that the opinion of the Planning Authority has since shifted.
- Incorporating the lands as proposed allows physical boundaries to demarcate the development area.
- The Link Street through the area is a development objective of the Development Plan. The provision of this Link Street requires a critical mass of development on both sides of the street as otherwise the construction costs could be prohibitive. The economics of the construction costs of the road are far more positive when the road serves in-depth development on both sides. It also results in a better urban design solution, better layout and more inclusive and enclosed neighbourhood context.
- The Development Plan calls up the phasing as "diagrams" and the demarcation lines were never intended to be rigidly applied by way of 'slide-rule' planning.

- If developed as per the phasing diagrams in the Southern Environs Masterplan area with the Link Road forming the boundary between Sequence Phase 1 and Sequence Phase 3 lands then lands immediately abutting and to the south of the Link Street at the entrance to this Masterplan area would remain undeveloped for a considerable period of time. There would in effect be a 'left-over' area of land on the south side of the Link Street. This area would then most likely have to be hoarded off and/or become very difficult to maintain and would likely in time display the characteristics of unused urban-edge lands. Furthermore, single sided development would lack a sense of identity, which is especially important at this key entrance to the overall Nodal Masterplan Lands.
- A further advantage in utilising the 3.5ha of Sequence Phase 3 lands as proposed is that the development would not proceed in an elongated manner away from the Clonminch Road with lands (the 3.5ha of the Sequence Phase 3 area) unused whilst being in proximity to Clonminch Road, linkages to the town centre and bus routes (as well as the cycle lanes that are proposed on Clonminch Road). Clonminch Wood has not been taken in charge and whilst the proposed development application area is designed to allow connection to Clonminch Wood such connections are unlikely to be available in the immediate short-term.
- If developed as per the phasing map, the early phases of the development would hug the existing residential area in an extended linear fashion making for an elongated development pattern and severely restrict and negatively impact on opportunities for quality place-making that are facilitated by a deeper development form as opposed to the linear form that would otherwise occur. This would be very pronounced at the important entrance area to the Nodal Masterplan Land at the interface with the Clonminch Road. An elongated development pattern severely restricts opportunity for variety in layout and house-types reducing opportunities for developing building forms that provide variety and strong legibility in a development.
- As part of the detailed design of the proposed development the indicative position of the Link Road has been adjusted and moved slightly north. This greatly improves quality of the built form and delivers a much better and far more aesthetically pleasing entrance to this important new development area for the town of Tullamore.
- The Southern Environs Masterplan calls for Nodal Masterplans for each of the four identified nodes within that Southern Masterplan lands. It is reasonable to expect that as development typologies are refined and design detail applied there would inevitably be adjustments from the much higher level 'broad-brush' content of the Southern Environs Masterplan area.

***The proposed development will provide for future population growth in Tullamore which to date has not achieved the critical mass envisaged by Regional Planning Policy. It is submitted a key consideration here is that none of the Core Strategy lands have come forward for development. The vast majority of the application site is in Core Strategy Phase 1 and as such there is no impediment to the release of the lands now.***



### 2.1.2 RESPONSE OF APPLICANT - 'A CLEAR RATIONALE FOR THE DEVELOPMENT OF THESE LANDS IN ADVANCE OF OTHER LANDS WITHIN IDENTIFIED NODES OF THE SOUTHERN ENVIRONS MASTERPLAN LANDS INCLUDING THE SPOLLENSTOWN NODE'.

The Core Strategy was introduced in 2013. Since that time there has been no activity on the Spollenstown Node or for that matter in any of the other nodes designated for residential development. Given the position of Tullamore in the national, regional and county settlement hierarchy, it is, we submit, inconceivable that the intention is that no residential development can take place until such time (whenever that might be) that development comes forward in the Spollenstown Node, a node that has seen zero planning activity in 8 years.

The Eastern Node is physically contained by way of existing barriers to development – the railway line to the east and N52 to the south and south east as well as existing residential development. It is not dependent on any other node within the Southern Environs Masterplan area.

Both Table 5.2 and the Tullamore Southern Environs Phasing diagram (figure 1) show the northern portion of the Eastern Node to be ranked the same as Spollenstown Node – Phase 1/First Sequence. While the plan sought to develop Spollenstown first, chapter 5 states that flexibility must be provided to reflect market demands (para. 5.3). The Core Strategy outlines that in the control of development, the overall target for growth is an important factor in contributing to Tullamore achieving the necessary critical mass for a Gateway town and the planning authority will seek to deliver this population in a flexible manner using the principle of sequential approach (para. 3.5). The core strategy does not seek to create a monopoly whereby only one node may be developed to satisfy the growth within Tullamore.

***National planning policy documents wrestle with the issue of sequencing and scenarios such as arise in this case where lands are zoned and prioritised (Spollenstown Node) but where there is no activity in terms of bringing them forward for development. The lands at Spollenstown have been identified for development for more than 8 years and have not been subject to even a single planning application. By contrast the owner of the application site bought the land only 3 years ago and immediately proceeded to planning stage. The vast majority of the application site has the same sequencing as the Spollenstown lands and the Plan is clear that flexibility is required in the application of Core Strategy phasing.***

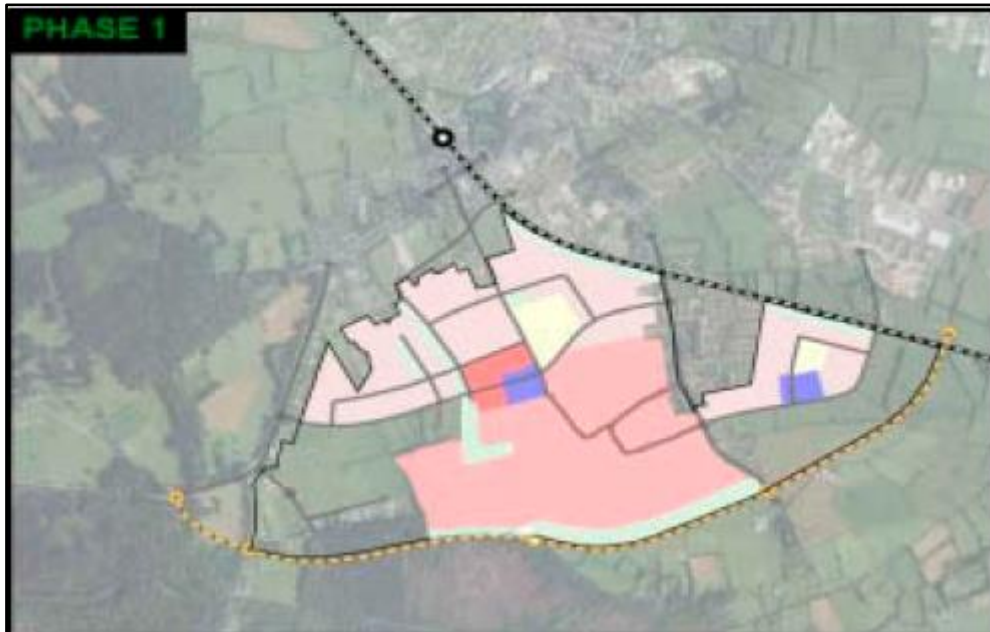


Figure 1: Sequenced release of masterplan lands in the Southern Environs

Table 5.2 Phasing		
Sequence	Masterplan Area	Node Area
First	Southern Environs	Spollenstown Node Enterprise Node Northern portion of Eastern Node
	Grand Canal Quarter	Railway Node Canal Node
	Tullamore Northern Environs	Ballyduff Node
	Tullamore Northeastern Environs	Gateway Node Arden Node
Second	Grand Canal Quarter	Central Node
	Southern Environs	Charleville Node
	Northern Environs	Western Node
	Northeastern Environs	Northern Node
Third	Grand Canal Quarter	Western Node
	Southern Environs	Southern portion of Eastern Node

Figure 2: Table 5.2 of the TTEDP detailing sequence/phased release of lands in all Masterplan Areas

The Eastern Node, unlike the remaining Nodes in the Southern Environs Masterplan Area is not dependent on any of the nodal areas in terms of physical connections (e.g. road access) or in achieving the objectives as outlined by Table 5.5 of the TTEDP and illustrated by figure 4 overleaf. It is also noteworthy that Table 5.4 of the TTEDP does not identify any constraint on the Eastern Node while Charleville and Spollenstown have constraints relating to direct road access and proximity to Charleville Demesne.

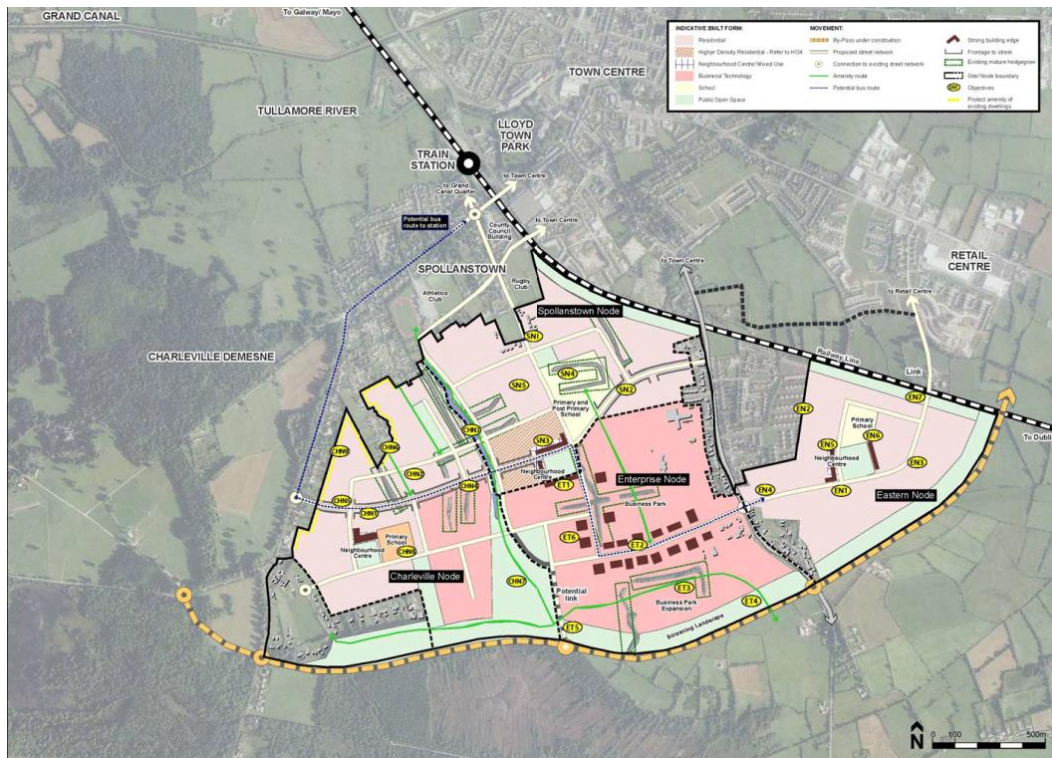


Figure 3: Tullamore Southern Environs - Urban Design Strategy (extracted from Chapter 5 TTEDP)

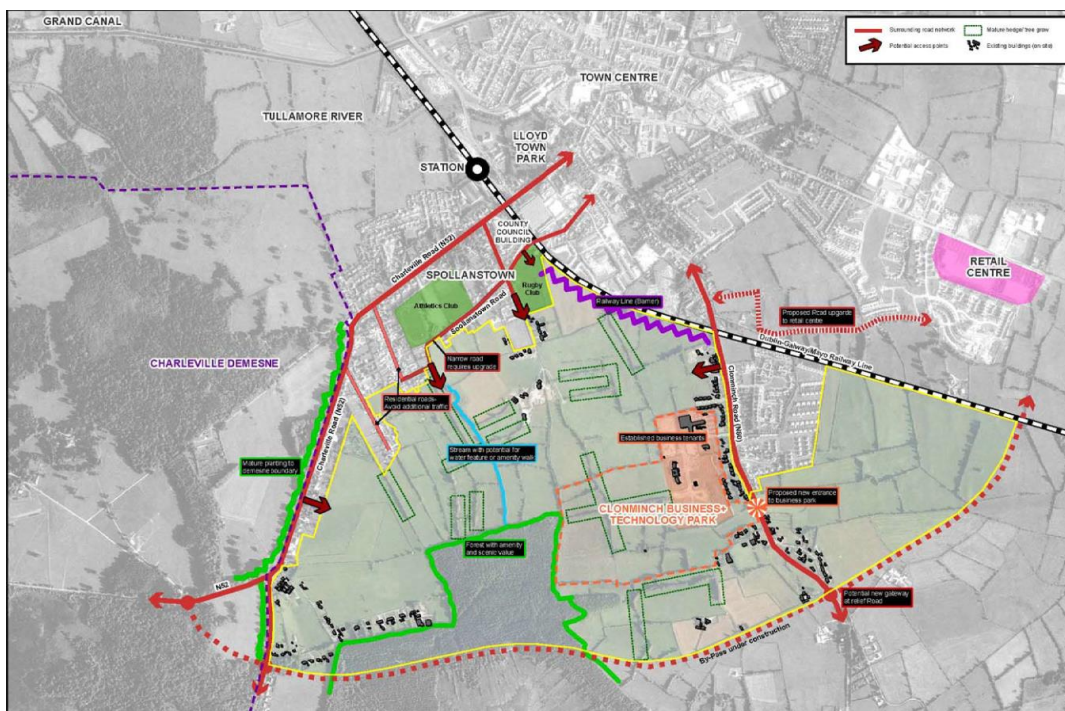


Figure 4: Tullamore Southern Environs – Opportunities and Constraints Map (extracted from Chapter 5 TTEDP)

### 2.1.3 RESPONSE OF APPLICANT – ‘CONSIDERATION OF POLICY TTEP04-01 OF VARIATION NO. 2 OF THE TULLAMORE AND ENVIRONS DEVELOPMENT PLAN REGARDING IMPLEMENTATION OF THE SEQUENTIAL APPROACH AND HOW THE RELEASE OF THESE LANDS REALISES THE AIMS OF THE CORE STRATEGY AND CONSOLIDATES THE URBAN FORM AT THIS LOCATION’.

**Policy TTEP 04-01:** *It is the Councils’ policy to strategically prioritise the development of Tullamore as part of the Midlands Linked Gateway. The Council’s 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 the Council’s 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.”*

The order of priority as set out in the Development Plan identifies the vast majority of the application site for development as sequence 1 lands within the period of the Plan. There is nothing in the Plan that states that the sequence 1 lands can only be developed after a certain level of dwelling completions in the town centre area. There is no conflict between development at the application site and the application of the sequential approach. They are both clearly factored into the Plan and the phasing proposals of the Plan; they are not mutually exclusive. Furthermore, granting permission for the proposed development does not inhibit granting permissions at or adjacent the town centre. The Core Strategy does not prioritise one area of Phase 1 lands over another. The Development Plan also contains sufficient flexibility for development within different Phase 1 areas. To do otherwise would result in conflict and contradiction between the Core Strategy and the Development Plan.

It is submitted that the overarching aim of Policy TTEP 04-01 is to meet the growth targets for Tullamore and prioritise Tullamore’s growth as a Gateway Town. The sequential approach is preferred for housing development but is not proposed as a limiting factor to the growth of Tullamore relative to the to the growth of the remainder of the County as its largest urban centre with the bulk of the population growth attributed to it. The Core Strategy outlines at section 3.5 that in the control of development, the overall target for growth is an important factor in contributing to Tullamore achieving the necessary critical mass for a Gateway town and the planning authority will seek to deliver this population in a flexible manner using the principle of sequential approach.

No lands zoned residential and located in sequence phase 1 of the Masterplan lands have been brought forward since the core strategy was adopted. There is no planning history to indicate any intention to develop Spollenstown or indeed any other node within the Southern Environs. The release of lands within the Eastern Node, including those located in phase 3 will assist in achieving the following aims of the core strategy listed at Section 3.2 of adopted Variation No. 2.

- *To strengthen the role of the Tullamore Town and Environs Development Plan in implementing the objectives of higher order plans, where appropriate.*

Higher order plans at National and Regional level have sought to establish Tullamore as a centre of growth. Tullamore has a strong ratio of jobs to residents with an established employment base in healthcare and government offices located in the town. It is submitted that the continued sporadic development of one-off housing in County Offaly, including lands surrounding Tullamore has been detrimental to the consolidation and growth. Completion rates of one-off housing have continually outstripped multi-unit developments since the adoption of the core strategy and work against the development of critical mass and growth of the urban centres identified by higher level plans.

- *To ensure that the Tullamore Town and Environs Development Plan 2010-2016 is consistent with national and regional planning strategies, guidelines and policies including national and regional population targets.*

The TTEDP and Core Strategy are outdated and are not in line with the current Offaly County Development Plan or the National Planning Framework or Regional Spatial and Economic Strategy.

- *To develop and implement an evidence based settlement strategy that provides a framework within which sustainable infrastructure, amenities, economic investment and development can be provided in a manner that maximises the use of resources in the Town and Environs, for current and future generations.*

The Core Strategy does not provide an adequate evidence base for the growth of Tullamore. Key to achieving growth is an assessment of the availability of and viability of development lands. To date there has been no development within lands designated as Masterplan lands with most residential development occurring to the north of the town on the edge of the settlement boundary between masterplan areas. The applicant is the majority landholder in the Eastern Node. The inclusion of 'third phase' lands as part of a comprehensive scheme that is plan led will not undermine the core strategy aim to ensure Tullamore meets its population targets.

- *To provide for the growth of Tullamore Town and Environs towards a long term target population and develop the town and its role as a Linked Gateway Town as set out in the settlement strategy in the Midland Regional Planning Guidelines. The continuing support for appropriately scaled development within and adjoining the town centre, in a sequential manner, will remain a priority while recognising the role that maximising the use of existing infrastructure, new infrastructure and public transportation links will play in future.*

Including third phase lands will assist in the provision of a key piece of infrastructure. The Link Street through the area is a development objective of the Development Plan. The provision of this Link Street requires a critical mass of development on both sides of the street as otherwise the construction costs could be prohibitive. The economics of the construction costs of the road are far more positive when the road serves in-depth development on both sides.

- *To ensure a high level of environmental protection in the implementation of the policies and objectives of the plan through the observance of all legal requirements with regard to Strategic Environmental Assessment, Habitats Directive Assessment, Water Framework Directive and Floods Directive, as appropriate.*

The release of the third phase lands as part of the application site will have no adverse impacts on the environment. The proposed development is supported by an EIAR and NIS. The Tullamore Town and Environs Development Plan 2010-2016 (as extended) under which the application site is zoned was subject to SEA.

- *To ensure that the quantity and location of land zoned for development in the Development Plan will accommodate the level of development anticipated over the plan period and supports the priorities for growth indicated in the settlement hierarchy.*

The Core strategy does not contain an assessment of what residentially zoned lands are available or likely to come forward within the plan period. Since the adoption of the core strategy for Tullamore in 2013, it is recognised that providing for anticipated development is not as simple as matching the quantity of land to the population targets. Lands that are closer to the town centre may not be available or are not viable, for example. As recognised at para. 3.5 of the Core Strategy, the overall target for growth is an importance factor and achieving critical mass as a Gateway town. It is clear from the Core Strategy “The Planning Authority shall seek to deliver this population in a flexible manner using the principle of sequential approach”. It is submitted that this flexibility allows for the inclusion of the third phase lands as proposed in order to achieve targeted growth in Tullamore and critical mass required to support new infrastructure and services.

- *To ensure the future development will integrate with the existing and planned transport and services infrastructure such as road, rail and water services infrastructure in order to utilise them in the most efficient way possible (as per priority investments outlined at national and regional level).*

The inclusion of the third phase lands is required to achieve an integrated approach and efficient provision of the Link Street which is a planned transport objective of the TTEDP.

- *To ensure that development over the lifetime of this plan is monitored and managed so as to achieve the overall objectives of this strategy.*

No monitoring of the implementation of the core strategy has been undertaken since its adoption and it was not amended following the adoption of the current Offaly County Development Plan. The Core Strategy allows for the release of 25% of the lands designated as first phase in the masterplan areas. A review of online records shows that there have been no planning applications on these lands. The release of the third phase lands representing 2% of all Residential Lands within the Southern Environs Masterplan Area will not undermine the aims of the core strategy.

The application site is zoned and located within the development boundary of Tullamore. Existing residential developments bound the site to the west and North West. A Part 8 development by Offaly County Council is currently under construction directly north of the proposed site entrance providing housing for the elderly. An established employment area is located on the western side of Clonminch Wood.

The inclusion of a small area of phase 3 lands within the application site will ensure consolidation of the urban form in this location. As has already been detailed above, incorporating the lands as proposed allows physical boundaries to demarcate the development area rather than an arbitrary ‘phasing line’ which does not follow any topographical boundary. The phase 3 lands included are physically contained and bound by residential properties fronting onto Clonminch Road to the west.

If developed as per the phasing diagrams for the Eastern Node, development would proceed in an elongated manner away from the Clonminch Road with lands in proximity to the Clonminch Road, linkages to the town centre and bus routes would be left undeveloped for some time.

Clonminch Wood has not been taken in charge and whilst connections can be provided for in the future to allow links to Clonminch Wood such connections are unlikely to be available in the immediate short-term. If the phase 1 lands were to be developed in a linear fashion hugging existing development to the west it, would result in a circuitous journey to the main entrance which would reduce the attractiveness of walking or cycling.

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#### 2.1.4 RESPONSE OF APPLICANT ‘A MASTERPLAN FOR THE EASTERN NODE’.

A Nodal Masterplan has been prepared and is submitted with this planning application based on the specific objectives contained in Chapter 5 in relation to the Eastern Node as required. This Nodal Masterplan is not used to give effect to the proposed SHD but is prepared as guidance to assist the integration of future development within the Eastern Node of the Southern Environs Masterplan area and achieve the aims as envisaged by the TTEDP (para. 14.2.1.14). Central to the Nodal Masterplan is the inclusion of a preliminary alignment of the Link Street and costings for the bridge crossings which have been included. The preparation of this Nodal Masterplan is a requirement of the TTEDP and this policy was subject to SEA.

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#### 2.1.5 RESPONSE OF APPLICANT – ‘TIMING OF INFRASTRUCTURE UPGRADES’.

A confirmation of feasibility has been issued by Irish Water by letter dated 1<sup>st</sup> of September 2021. This letter details that Irish Water is currently in the process of undertaking upgrade works to provide additional capacity at the Clonaslee Water Treatment Plant. It is envisaged the additional capacity that could facilitate this development will be in place by the end of Q3 2021 and a water connection can be facilitated.

In relation to wastewater connection, Irish Water have stated that there is sufficient capacity available at the Tullamore Wastewater Treatment Plant to facilitate the proposed development. A wastewater connection could be facilitated subject to the completion of interim works on the network prior to the planned Southern Interceptor Sewer project is completed. The interim works would include surface water separation works within St. Columba’s Place and along Clonminch Road (R443) which would remove sufficient volumes of surface water from the combined sewer system to free up capacity for the expected wastewater loading from the proposed development. The exact scope of separation works and storage is to be agreed with Irish Water in due course and in advance of the Connection Agreement for the proposed development. Once the SIS project is completed the long-term wastewater connection for the proposed development can be completed.

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#### 2.1.6 RESPONSE OF APPLICANT – ‘STATEMENT OF MATERIAL CONTRAVENTION IF APPROPRIATE’.

We note Board Direction Note 2 of ABP-307832-20 (the previous application on the site) states: *“The Board did not accept the Inspectors recommendation to refuse permission for the recommended reasons set out in 1 & 2 of the report. The Board noted that the proposed development includes lands identified as Phase 3 residential lands but noted that the plan allowed for flexibility and was satisfied that it would not contravene the provisions of the core strategy and would not materially contravene the development plan”.*

A statement of material contravention has been prepared and accompanies this planning application under separate cover. It is submitted that the proposed development should be granted having regard to the considerations specified in section 37 (2) (b) of the Planning and Development Act 2000 (as amended) as summarised below-

- **Section 37(2)(b)(i)** – The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of Government policy to increase delivery of housing as asset out in the provisions of Rebuilding Ireland Action Plan for the Housing and Homelessness (2016) and National Policy Objectives.
- **Section 37(2)(b)(i)** - The statutory plans for the area contain conflicting objectives.
- **Section 37(2)(b)(iii)** – The Core Strategy undermines the achievement of the RSES and the proposed development is in compliance with the Sustainable Residential in Urban Areas, Guidelines for Planning Authorities, the Design Manual for Urban Roads and Streets as well as the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and Sustainable Urban Housing: Design Standards for New Apartments (2020).
- **Section 37(2)(b)(iv)** – The ability of the proposed development to counteract the dispersed pattern of development in the area and the low level of permissions granted for an identified growth centre.



## 2.2 'LAYOUT AND URBAN DESIGN'

*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.*

*Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above-mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; connectivity with adjoining lands; hierarchy of open space and provision of quality, usable open space, together with the creation of character areas within a high-quality scheme should be given further consideration. Cross-sections, visualisations and CGIs should be submitted, as necessary, in this regard.*

*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.*

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### **2.2.1 RESPONSE OF APPLICANT 'FURTHER CONSIDERATION OF THE LAYOUT FOR THE PROPOSED DEVELOPMENT HAVING REGARD TO THE URBAN DESIGN MANUAL '12 CRITERIA'. CROSS-SECTIONS, VISUALISATIONS AND CGIS SHOULD BE SUBMITTED'**

The design of the proposed development is fully compliance with the '12 Criteria' as outlined in the Architects Design Statement and Statement of Consistency.

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### **2.2.2 RESPONSE OF THE APPLICANT 'FURTHER CONSIDERATION TO HOW THE LAYOUT CREATES ACTIVE AND AESTHETICALLY PLEASING URBAN STREET FRONTAGES, SENSE OF ENCLOSURE, ELEVATIONAL TREATMENTS TO CREATE FOCAL POINTS AND CONSIDERATION OF INTERFACE BETWEEN THE DEVELOPMENT SITE AND ADJOINING NEIGHBOURHOOD LANDS.'**

Full details of the rationale for the proposed development is contained in the Architects Design Statement by Van Dijk Architects under separate cover. The residential layout seeks to achieve a neighbourhood that is DMURS compliant, prioritising pedestrians and cyclists, connected through a hierarchy of streets with a functional link street to its centre from which the character areas are accessed from. Building height and design has been used to provide a strong urban frontage onto the link street which is lined with tree. As illustrated in figure 1, elevational treatments and landscaping together make for an attractive and active street frontage and welcoming entrance to the new neighbourhood.



Figure 5: CGI of potential view looking east down Crofton Avenue on entrance to the development from Clonminch Road

***Cross sections, visualisations and CGI have been produced to illustrate the interface of the development with the adjoining neighbourhood lands. The preparation of a Nodal Masterplan ensures future development of the Node will integrate successfully with the development proposed.***

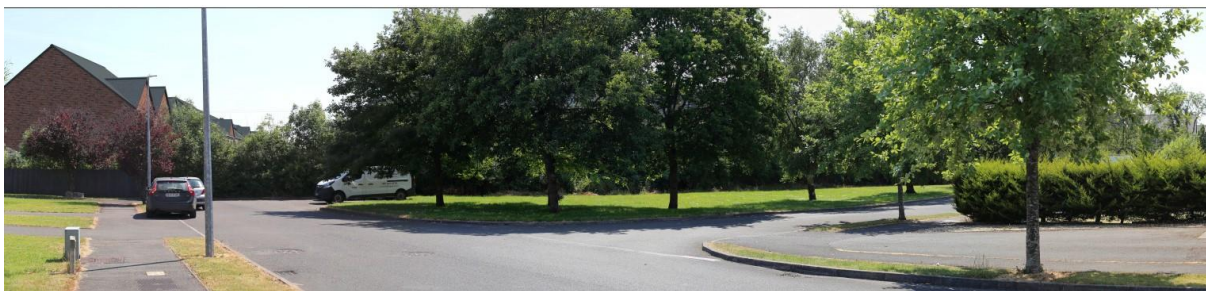


Figure 6: Verified photomontages produced by Park Hood showing interface with Clonminch Wood and development as proposed.



Figure 7: CGI by Van Dijk Architects illustrating potential pedestrian link through Green Park with Clonminch Wood to the north should these two developments be joined in the future.

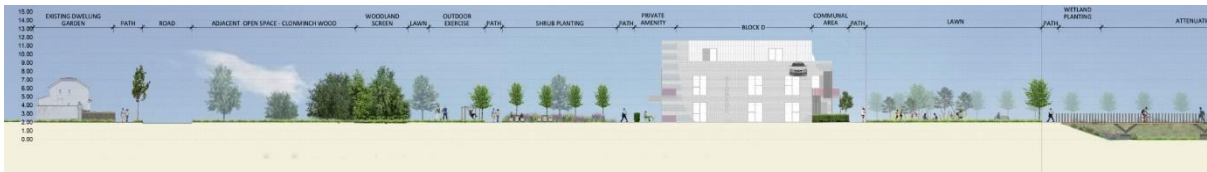


Figure 8: Extract from Landscape site section illustrating the Clonminch Wood development to the west and relationship to Green Park West and Block D. St. Columba’s Square lies to the east of Block D (see drawing 6473-L310).

### 3.0 SPECIFIC INFORMATION TO BE SUBMITTED WITH THE APPLICATION (ARTICLE 285(5)(B))

#### 3.1 RESPONSE OF APPLICANT 'A REPORT ON MATERIALS AND FINISHES INCLUDING OPENINGS, BALCONIES, LANDSCAPED AREAS AND BOUNDARY TREATMENTS AS WELL AS LONG TERM MANAGEMENT AND MAINTENANCE

Please refer to the Architects Design Statement prepared by Van Dijk Architects for details of the proposed materials and finishes together with the architect's drawings. Materials used for landscaping have also been considered in detail as part of the Landscape Strategy Report by Park Hood and accompanying drawings (extracts overleaf). Boundary treatments are detailed specifically and take account of the need for privacy between private open space areas and the maintenance of an attractive built environment.

Materials are used to provide a clear identity for this new neighbourhood and reflect its modern design. Contemporary materials of white/buff brick, coloured render and grey aluminium windows and doors are proposed for the housing and apartment buildings. Hard landscaping includes permeable resin bound surfacing and concrete slabs which are robust in nature and minimise maintenance.

#### 3.2 RESPONSE OF APPLICANT 'A LIFECYCLE REPORT'

A building lifecycle report is included with the planning application detailing the preliminary long term management and maintenance costs associated with the apartments proposed. This report has been prepared by Van Dijk Architects with input from Morely Walsh Consulting Engineers. An Energy Statement is also provided separately by Morley Walsh.

#### 3.3 RESPONSE OF APPLICANT 'A DETAILED LANDSCAPE PLAN FOR THE SITE WHICH CLEARLY DIFFERENTIATES BETWEEN AREAS OF PUBLIC, COMMUNAL AND PRIVATE OPEN SPACE, SURFACE FINISHES. CROSS SECTIONS, CGI AND VISUALISATIONS SHOULD BE PROVIDED'.

Park Hood Landscape Architects have prepared a site wide landscape masterplan for the proposed Strategic Housing Development. The Landscape Strategy Report by Park Hood under separate cover details the approach taken to the hierarchy of public open spaces, communal open space and proposals for hard and soft landscaping.

The Park Hood drawings that illustrate the site wide Landscape Proposal are prepared using a ground floor layout for apartment buildings proposed to clearly show the relationship private open space has to the interior layout of each unit. For example, Block B shown at figure 9 clearly differentiates between the ground floor private terraces separated by buffer planting and the communal open space area to the south featuring amenity seating and formal planting. The circulation space is kept to the outside of this area and distanced from the building to ensure residents privacy while views to Clonminch Square to the south can still be enjoyed.

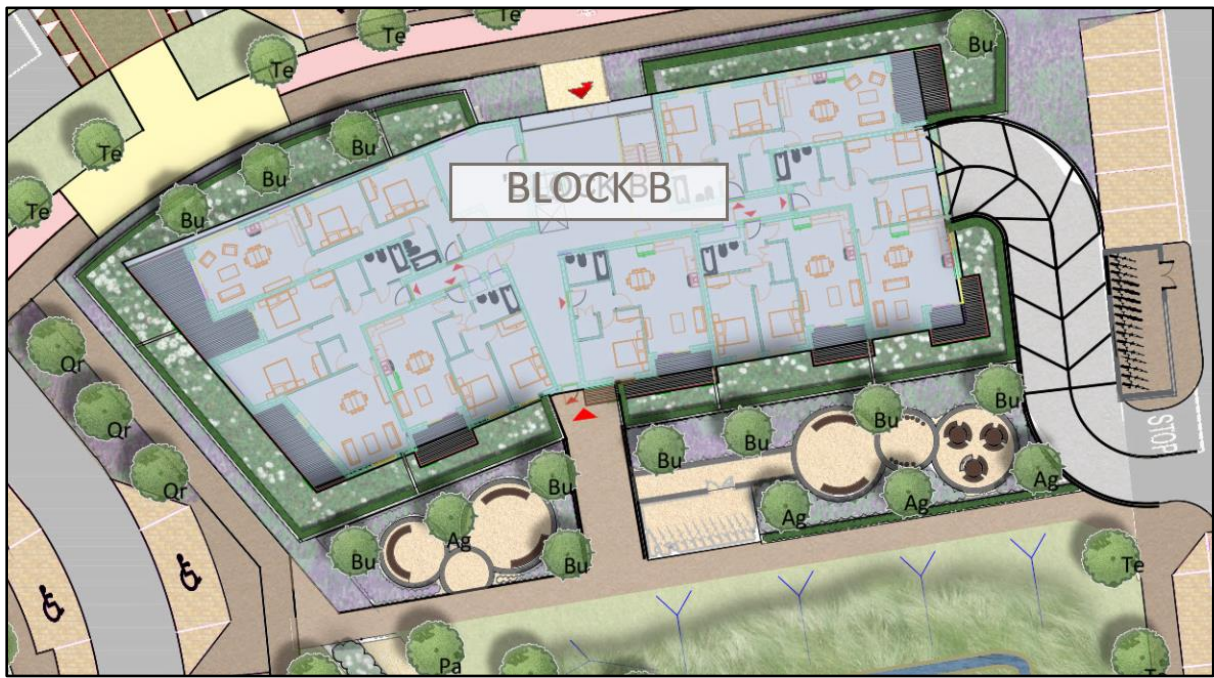


Figure 9: Extract from Park Hood Drawing No. 6473-L-304 – Block B

Landscaping proposals are provided for all communal open space areas as illustrated below by figure 10 and in the drawings by Park Hood under separate cover.

7.11 Open Space - Communal spaces



Figure 10: Extract from Park Hood Landscape Strategy Report – Communal Space Details

Details of surface finishes are provided in the Landscape Strategy Report and have been chosen taking account of long term use and maintenance as well as form and design.

10.0 Hard Landscaping - Surfaces

The selection of hard landscaping materials has been chosen after much consideration of their suitability, long term use and suitability for water management. All of the specified materials are robust in nature in order to maximise the longevity of the development and minimise maintenance issues. Specified materials include:

- Permeable resin bound surfacing
- Permeable concrete slabs
- Permeable concrete setts
- Permeable rubber mulch play surface

A consistent selection of materials is specified throughout the design, with variations being provided in the form of shape unit size, mix and colour.

The landscape drawing 6473 L303-307 Clonminch Landscape Proposals provides further information on layouts and locations of each surface type.

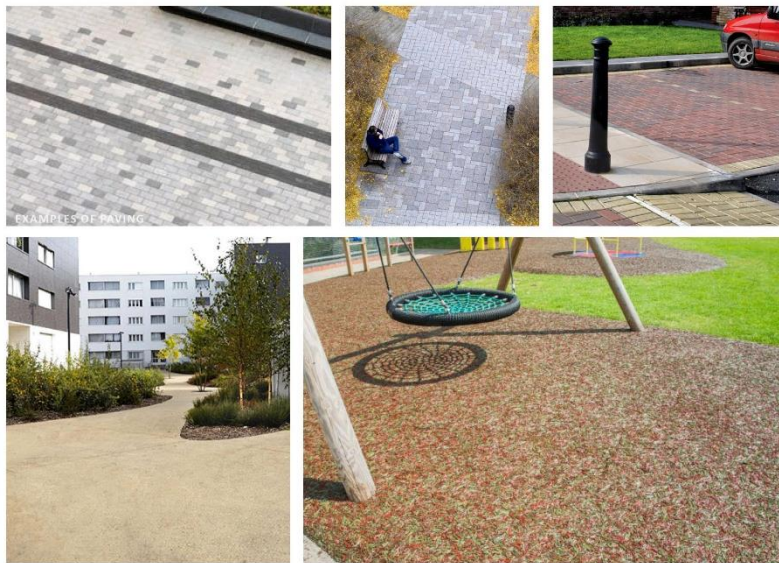


Figure 11: Extract from Park Hood Landscape Strategy Report – Hard Landscaping details

7.3 Open Space - Neighbourhood Centre Public Plaza

Located at the core of the site a formal Plaza space will act as a key interface between St Columbas Green and the Local Neighbourhood Centre.

Planters, concrete permeable slabs banded with permeable concrete setts an avenue of trees and seating will be placed within the plaza along with a variety medium to low ornamental shrub planting that help to soften the plaza. These elements will help create an active frontage to the Neighbourhood Centre and spill out areas for cafes and shops allowing areas for meeting and socialising.

The design proposal for the public plaza will provide a sense of arrival for the mixed use housing development while establishing an emphasis on the services located within the Neighbourhood Centre.

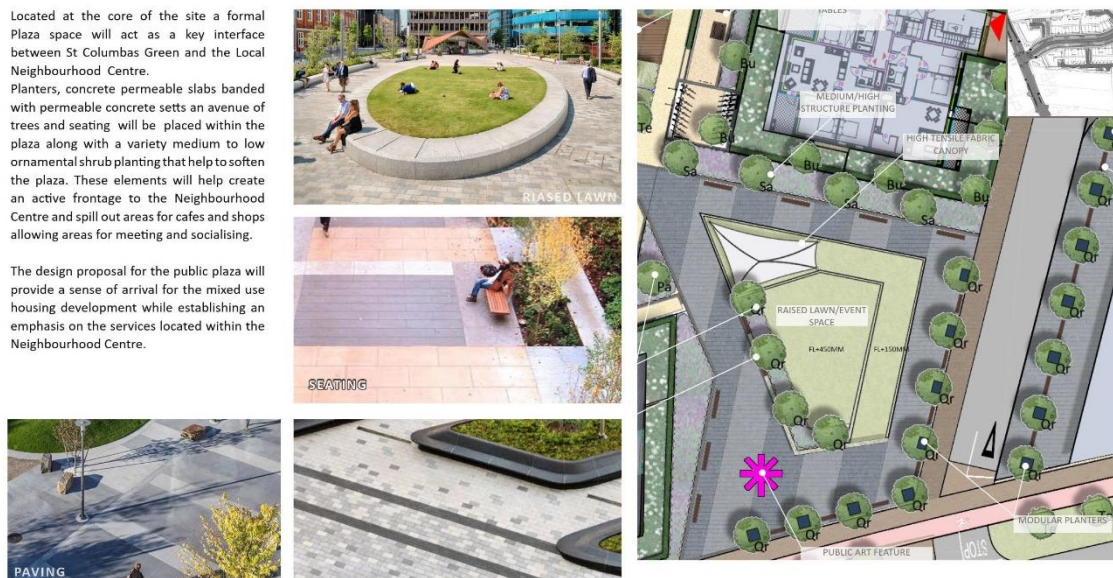


Figure 12: Extract from Park Hood Landscape Strategy Report – Hard Landscaping details

Each public open space identified by Table 1 has been given attention to detail and is clearly illustrated in the enclosed drawings by Park Hood. Together they form a hierarchy of functional and social spaces that provide a parkland setting for the new neighbourhood.

Name/Character area	Features and Function	Size
Clonminch Square	Children's Playground and seating areas. The attenuation area is proposed as an informal lawn area with decked seating area.	4,131m <sup>2</sup>
St.Columba's Green	The largest of the parks, this area is more formal in its design with strong desire lines and avenues to the surroundings residential streets and to the Neighbourhood Centre. The park comprises of large informal lawn space, play mounds, break-out spaces for amenity seating and pocket park spaces for quiet amenity. The attenuation areas combine timber walkways and water tolerant planting species to provide visual interest and biodiversity.	7,035m <sup>2</sup>
Green Street West	Amenity seating and outdoor exercise area. This area adjoins Clonminch Wood and has been located to allow the existing area of public open space to the west to be knitted into the new neighbourhood centre in the future once Clonminch Wood is taken in charge. The attenuation area will be an informal lawn area with boardwalk.	2,496m <sup>2</sup>
Green Park	This pocket park will feature amenity seating and is envisaged as a stopping point/break-out space and provides visual amenity to the passer-by.	1,415m <sup>2</sup>
Public Square Neighbourhood Centre	This space will feature a raised lawn which could be used as an event space and public art feature within a hard landscaped plaza.	1,130 m <sup>2</sup>
<b>Sub-total</b>	<b>16,207m<sup>2</sup>/16% residential site area. This figure does not include incidental green space.</b>	

Table 1: Break down of public open space:

### 3.4 RESPONSE OF APPLICANT 'A DETAILED SCHEDULE OF ACCOMMODATION INDICATING CONSISTENCY WITH 'SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, GUIDELINES FOR PLANNING AUTHORITIES' (2020)

Please find a detailed schedule attached at Appendix A of the Statement of Consistency and a full schedule of accommodation by Van Dijk Architects under separate cover indicating compliance with the above Guidelines. 58% of apartments proposed exceed the minimum internal floor areas required by the apartment design guidelines by at least 10%. The assessment of daylight and sunlight undertaken by IES indicates that residents will have a high level of amenity. 72% of apartments are dual/triples aspect and all have floor to ceiling heights of at least 2.7m adding to the sense of place and access to daylight. All apartments have their own private open space with access to communal landscaped areas in close proximity to the apartment buildings and have the added advantage of large public parks nearby. Car parking is provided in keeping with the benchmark of 1 space per apartment and 1 visitor space for every four apartments. The majority of car parking for apartments is at basement level.

**3.5 RESPONSE OF APPLICANT 'A RESIDENTIAL AMENITY REPORT (EXISTING RESIDENTS OF ADJOINING DEVELOPMENT AND FUTURE OCCUPANTS. DRAWINGS SHOWING THE RELATIONSHIP BETWEEN THE DEVELOPMENT AND ADJACENT RESIDENTIAL AREAS SHOULD BE SUBMITTED, INCLUDING LEVELS AND CROSS SECTIONS**

The subject planning application is accompanied by several documents containing assessments and reports relating to issues of residential amenity including the Architects Design Statement, the Statement of Consistency, EIAR, report by IES together with verified photomontages and CGI. A summary of the approaches taken to address issues of residential amenity for both existing and future residents is contained in the Report on Residential Amenity by Stephen Ward Town Planning and Development Consultants Ltd under separate cover. This report details the protection of existing residential amenity and provision of future residential amenity under the headings;

- Site layout and building form
- Private amenity space and boundary treatments
- Access to public amenity space
- Quality of internal space provision
- Daylight, sunlight and overshadowing

***It is submitted that the proposed development can be achieved with no loss of residential amenity to adjoining development and offers a high level of residential amenity for future occupants.***

**3.6 RESPONSE OF APPLICANT 'ADDITIONAL CGIS/VISUALISATIONS SHOWING THE PROPOSED DEVELOPMENT RELATIVE TO EXISTING DEVELOPMENT IN THE VICINITY'.**

A1 drawings illustrating 5no. views of the application site with and without the proposed development have been produced by Park Hood and included with this planning application. Verified photomontages are also contained within the EIAR at Chapter 14. The architects design statement contains computer generated imagery showing the proposed development within its context and to illustrate the new neighbourhood in place.

**3.7 RESPONSE OF APPLICANT 'DETAILS TO ADDRESS THE MATTERS RAISED IN THE REPORT OF THE TULLAMORE MUNICIPAL DISTRICT DATED THE 22/03/21 AS CONTAINED IN THE PA OPINION.**

The planning authority submitted a comprehensive written opinion to An Bord Pleanála dated 22<sup>nd</sup> of March 2021 prior to the pre-application consultation held on the 17<sup>th</sup> of May 2021. Contained within this statement is a Memo by Thomas Ryan, Executive Engineer, Tullamore Municipal District (TMD). We note TMD has no objection to the proposed development subject to conditions. A detailed report on all infrastructure design is provided by DBFL under separate cover together with associated drawings which takes account of this Memo. Details of tree root barriers are provided at section 12.1 of the Landscape Strategy Report by Park Hood.



We note the comment of TMD to the planner which states *“any future development of school facilities in this area should utilize direct access onto the link road”*. The revised alignment of the link road includes direct access to the reserved school site.

### 3.8 RESPONSE OF APPLICANT ‘SCHOOL DEMAND AND CONCENTRATION REPORT

A school demand and concentration report has been prepared by Stephen Ward Town Planning and Development Consultants Ltd and is submitted under separate cover. This report details 7no. primary schools and 3no. post-primary schools within 3km of the application site. Based on the past enrolment figures and planned extensions to the existing schools it is considered that there is sufficient capacity in Tullamore to accommodate the projected school population.

### 3.9 RESPONSE OF APPLICANT ‘TAKING IN CHARGE DETAILS’

Please refer to architect drawing no. 1757-PA-025 for areas proposed to be taken in charge once the development has been completed.

### 3.10 RESPONSE OF APPLICANT ‘WASTE MANAGEMENT DETAILS’

This planning application is accompanied by an Environmental Impact Assessment Report. Chapter 12 provides full details of waste management and construction and operational stages.

## 4.0 RESPONSE OF APPLICANT - AUTHORITIES TO BE NOTIFIED (ARTICLE 285 (5) (A))

Pursuant to Article 285 (5) (a) of the Planning and Development (Strategic Housing Development) Regulations 2017, All of the above consultees have been notified in writing and have been issued with the requisite copies of the application, including the EIAR and NIS:

1. Irish Water
2. The Minister for Housing, Planning and Local Government
3. The Heritage Council
4. An Taisce-the National Trust for Ireland
5. Transport Infrastructure Ireland
6. Iarnrod Eireann
7. Commission for Railway Regulation
8. Offlay County Childcare Committees