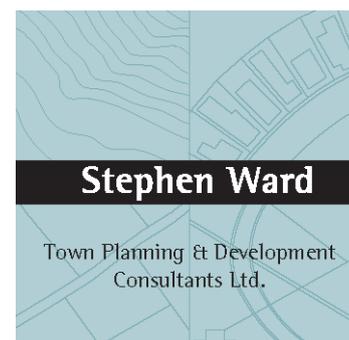


Statement of Material Contravention

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



Prepared on behalf of
Steinfort Investments Fund



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1.0 INTRODUCTION

This is a statement of Material Contravention on behalf of the applicant Steinfort Investments Fund as required under the Planning and Development (Housing) and Residential Tenancies Act 2016.

This statement provides justification for a material contravention of the TTEDP in relation to-

- The release of Sequence Phase 3 Masterplan lands at this time.
- Policy TTEP 04-01 (as varied) and Policy TCSP-03 of the Core Strategy.
- The development of 'Third Phase' lands in advance of other lands within identified nodes of the Southern Environs as set out in Table 5.5 of the TTEDP.
- Private open space provision for apartments.

2.0 PROPOSED DEVELOPMENT

The proposed strategic housing development is for 349no. residential units and a childcare facility (1,299m²), two neighbourhood centre buildings (3,007m²) and a neighbourhood shop (56m²) together with associated open space areas, landscaping, roads, bus stops, car parking, cycle parking and site development works including the provision of a pump station and signal controlled junction on the Clonminch Road (R443). This planning application also proposes works to the Clonminch Road to provide cycle lanes within the existing carriageway. Please refer to the Statement of Consistency for a detailed description of development.



Figure 1: Extract from Van Dijk Architect Drawing 1757-PA-003 – Proposed Site Layout

3.0 MATERIAL CONTRAVENTION OF THE TULLAMORE TOWN AND ENVIRONS DEVELOPMENT PLAN 2010-2016 (AS VARIED AND EXTENDED)

3.1 MASTERPLAN SEQUENCE PHASING

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) for development in the period 2014 - 2020. 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 the Variation. The development of these lands 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 Southern Environs Masterplan area extends to 322 hectares and is broken down into four nodes. The Eastern Node within which the application is located extends to c.57.59 hectares. Lands within the Eastern node are designated under the following zoning objectives contained in the TTEDP-

- 39.69ha Residential Zone Lands
- 2.80ha Neighbourhood Centre Zoned Lands
- 2.37ha Public/Community/Education
- 12.73ha Open Space

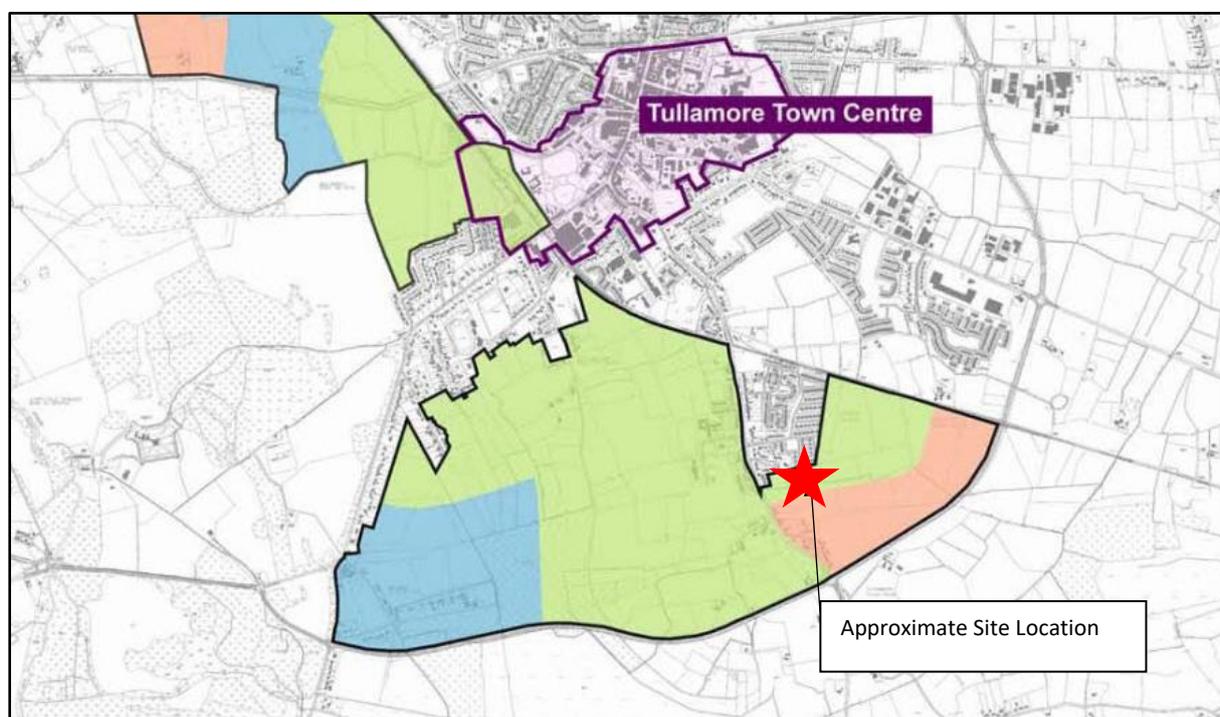


Figure 2: Extract from the Tullamore Town and Environs Development Plan 2010-2016 (as varied and extended)
Chapter 5-Overall Proposed Phasing Map of Masterplans – Approximate site location

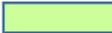
Chapter 5 of the TTEDP applies a sequence phase to all Masterplan Lands in Tullamore. The phasing outlined in Chapter 5 of the TTEDP does not relate specifically to residentially zoned lands but reflects the aim of the TTEDP to develop the town in a sequential manner and affects all lands zoned as outlined above for the Eastern Node as well as three other identified Masterplan areas.

The Eastern Node Lands fall under Sequence Phase 1 and Sequence Phase 3 as illustrated below. The delineation of the sequence phasing divides the 39.69 hectares of Residential Zone lands into approximately 17.02ha in Sequence Phase 1 and 22.67ha in Sequence Phase 3 (excluding the buffer zone areas to the road and railway line).

The inclusion of the Phase 3 lands as part of the application site was initially encouraged by the Planning Authority on the basis that it results in a much better development from the points of view of planning and sustainable development, urban design, architecture and layout. Since then the Planning Authority has changed its mind.

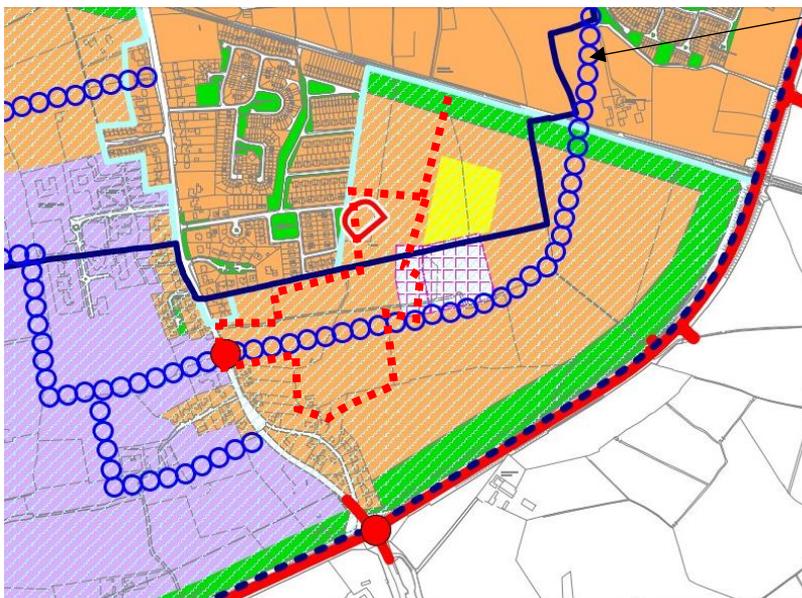


Sequence Phasing of Lands Eastern node:

-  Sequence Phase 1
Residential Zoned Lands = 17.02 hectares
-  Sequence Phase 3
Residential Zoned Lands = 22.67 hectares

Total Residential Zoned Lands in Eastern Node = 39.69 hectares

Figure 3: Extract from Chapter 5 Tullamore Town and Environs Development Plan 2010-2016 (as varied and extended) illustrating phasing of Eastern Node Masterplan Lands outlined in black



Symbol for Strategic Distributor Network and Linkages.

Figure 4: Extract from the Tullamore Town and Environs Development Plan 2010-2016 Zoning Map – Approximate Site boundary indicated by dashed red line

3.2 CORE STRATEGY POLICY – VARIATION 2

According to Section 3 of Adopted Variation No. 2 to the TTEDP 2010-2016 (Core Strategy), “Lands outside of Phase 1 of the masterplan areas will not be considered under the lifetime of this plan. The amount of Phase 1 lands which will be available for residential development will be controlled as already provided for in the plan (up to 25% of Phase 1 Residential lands will be available for development, during the lifetime of this plan)” (p.13).

All of the application site proposed for housing is affected by a residential zoning objective in the Development Plan. Only 15 per cent of the application site area is on Phase 3 lands. The balance is on Phase 3 lands and it is strongly contend that the contravention of this element of the phasing is justified in terms of the proper planning and sustainable development of the area, creation of high quality urban spaces and neighbourhoods, urban design and architecture.

Section 3.5.1 of the Variation sets out that “the Council will implement a strict ‘sequential approach’ when assessing development applications”. This is reflected in the amended policy TTEP 04-01. It is the policy of the Tullamore Core Strategy (TCSP-03) “that development will not be permitted where it conflicts with the Core Strategy”.

Notwithstanding the above statement, and whilst by reference to what is clearly an indicative road line on a map that serves to delineate two phasing sequences, there are we contend, very strong planning architecture and urban design reasons to encroach on a very small part of these Phase 3 designated lands

3.3 NODE DEVELOPMENT WITHIN THE SOUTHERN ENVIRONS

Table 5.5 of the TTEDP contains the ‘Tullamore Southern Objectives’ which are broken down as they apply to each of the four nodes within the Southern Environs Masterplan area. The future development of the Eastern Node is outlined as follows -

“As with the Charleville Node, it is foreseen that this area will be developed as a high quality residential area with a good quality landscape and open space character (to be developed in the longer term only following development of Spollenstown Node).”

The Spollenstown Node and the Eastern Node are both affected by the same residential zoning objective. The Spollenstown Node has not been developed and no planning applications for residential development have been made on these lands.

It is noteworthy that these comments are not contained within the Core Strategy. It is strongly contend that the use of the word “foreseen” allows development on other Phase 1 lands if the “foreseen” scenario does not emerge, which is exactly what has happened, with zero multi-unit residential applications or development within the Spollenstown Node since the adoption of the Development Plan or its variation to include the Core Strategy.

In essence, the Core Strategy does not contain any stated provision to elevate development at the Spollenstown Node over that of the Eastern Node or for that matter to prohibit development in the Eastern Node.

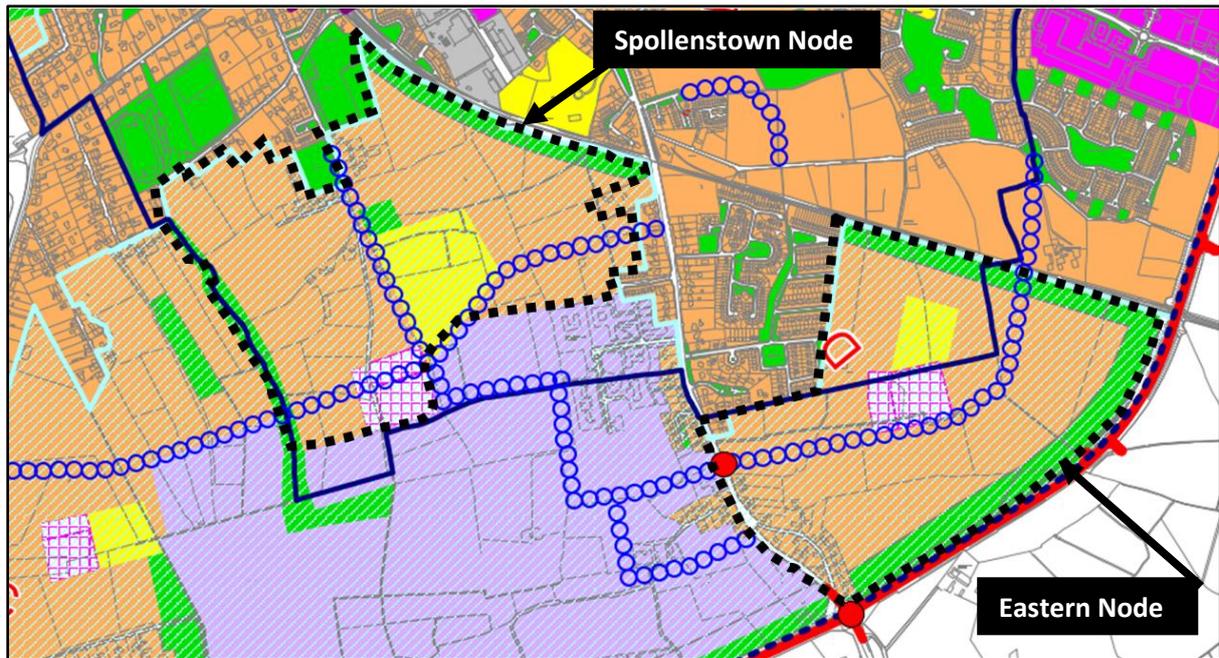


Figure 5: Black dashed outline applied to zoning map— extent of Spollenstown Node and Eastern Node. Both nodes are affected by the same residential zoning objective in the Development Plan

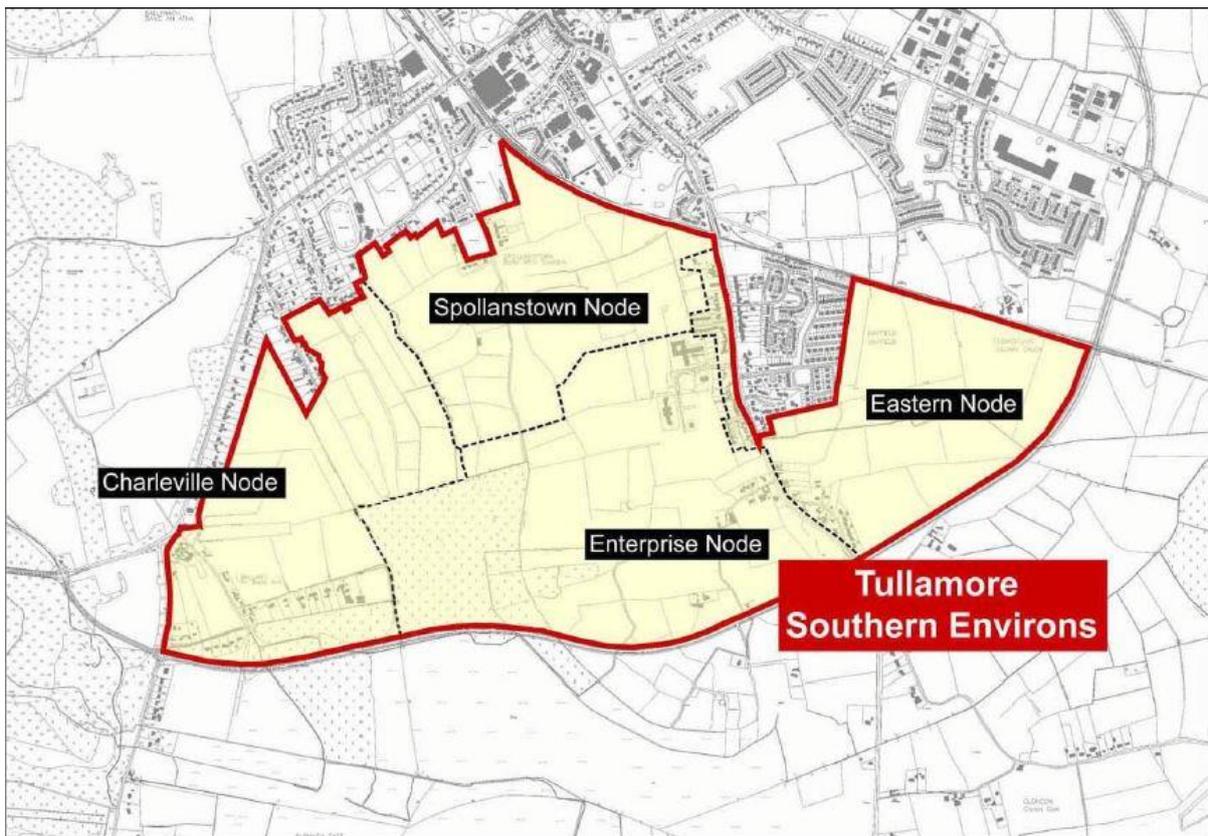


Figure 6: Nodes within the Tullamore Southern Environs Masterplan Area (Chapter 5 TTEDP)

3.4 PRIVATE OPEN SPACE FOR APARTMENTS

Section 14.2.1.7 of the TTEDP states “normally, a minimum of 20m² of private open space or garden area for each bed space in flats/apartments shall be provided”.

The apartments proposed do not provide the level of private open space for residents as required by the TTEDP. Rather, private open space for the apartments is provided in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020

4.0 LEGISLATIVE CONTEXT

The Planning and Development (Housing) and Residential Tenancies Act 2016, Subsection 6 states “where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection 5 (b) (i) shall indicate why, in the prospective applicant’s opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37 (2) (b) of the Act of 2000” .

This section provides the applicant’s justification as to why, in its opinion, the proposed development should be granted planning permission having regard to the specific considerations contained at section 37 (2) (b) (i), (ii), (iii) and (iv) of the Planning and Development Act 2000 (as amended).

5.0 JUSTIFICATION FOR MATERIAL CONTRAVENTION

5.1 37 (2)(B)(I) THE PROPOSED DEVELOPMENT IS OF STRATEGIC OR NATIONAL IMPORTANCE

Rebuilding Ireland – Action Plan for Housing and Homelessness was launched in 2016 with the aim of doubling the annual level of housing output to 25,000 homes per annum over the period of 2017-2021. The achievement of the Plan’s core objectives falls under five pillars. The proposed development falls under ‘Pillar Three —Build More Homes’ with the key objective to “Increase the output of private housing to meet demand of affordable prices”. In order to facilitate Rebuilding Ireland, the Strategic Housing Development process was introduced as a fast track planning process for the development of 100 or more houses or student accommodation or shared accommodation developments of 200 or more bed spaces, to be made directly to An Bord Pleanála for determination on land zoned for residential use or for a mixture of residential and other uses.

The proposed strategic housing development responds to the policies and objectives of Rebuilding Ireland.

It is a National policy objective (NPO 32) “To target the delivery of 550,000 additional households to 2040” and “Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location” (NPO 33).

The National Planning Framework recognises, “the Midlands is strategically important” (para. 3.2). Bordering both the Northern and Western, and Southern Regions “its central location in Ireland can be leveraged to enable significant strategic investment to a greater extent than at present, supported by a sustainable pattern of population growth, with a focus on strategic national employment and infrastructure development, quality of life and a strengthening of the urban cores of the county towns and other principal settlements” (para.3.2:32).

Population growth is expected in the County of Offaly with population projections contained within the NPF estimating an increase of between 7,000-8,500 persons to 2026 and a further population increase of between 3,000-3,500 by 2031. This represents an increase in population of between 9-11% from its recorded population in 2016 to 2026.

Unfortunately CSO figures are not available at a settlement level for Tullamore but figures for Offaly Council County Area show new housing completions since the Action Plan was launched in 2017 up to 2020 amount to 669 units for the whole County. Table 1.3 of the Offaly County Development Plan states that within the Plan period 2014-2020, the population of Tullamore is expected to grow by 5,570. Based on an average household size of 2.9, this is equated to 1,921 units.

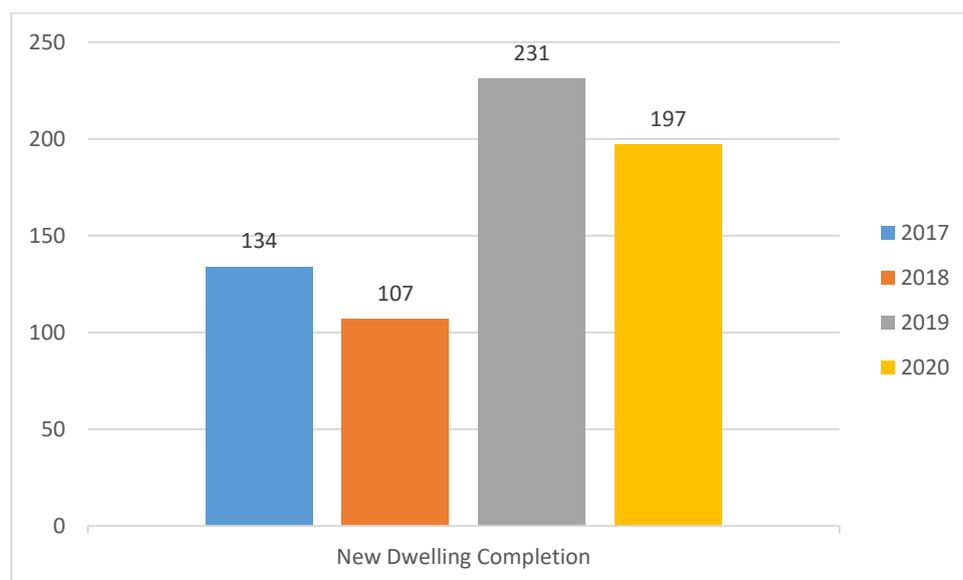


Figure 7: Completed Dwellings in County Offaly 2017-2020 (CSO)

A new National Plan addressing housing supply has recently been launched for the period 2021-2030. According to 'Housing for All – A New Housing Plan for Ireland' (2021), Ireland needs an average of 33,000 homes constructed per annum until 2030 to meet targets set out for additional households as outlined in the National Planning Framework up from approximately 20,000 homes a year.

In relation to 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 the Government's policy to increase delivery of housing as set out in the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness (2016) and to facilitate the achievement of compact residential growth in a designated growth centre. It is considered that permission for the proposed development should be granting having regard to the policy objectives of the National Planning Framework Policies in particular NOP 32 and NPO 33. It is therefore submitted that Section 37 (2)(b)(i) applies in this case.

5.2 37 (2)(B)(II) THERE ARE CONFLICTING OBJECTIVES IN THE DEVELOPMENT PLAN OR THE OBJECTIVES ARE NOT CLEARLY STATED, INSOFAR AS THE PROPOSED DEVELOPMENT IS CONCERNED

CORE STRATEGY

According to Policy TCSP – 01 of the Adopted Variation No. 2 to the TTEDP, *"It is the Council's policy to implement the Core Strategy for Tullamore and Environs in order to be consistent with, and in accordance with, policies at a national level and regional level, particular population targets and distribution"* (para. 3.6). In addition, Policy TCSP – 05 states that the Council will monitor and manage residential development in Tullamore Town and Environs, in line with national and regional development objectives, through the Core Strategy (p.20).

The Core Strategy for Tullamore (May 2013) is outdated and does not align with higher level planning policies for Tullamore. Both the national and regional planning policies referred to by TCSP-01 have been replaced since the adoption of the Core Strategy but no variation was made to the Core Strategy for Tullamore and Environs. The Core Strategy was consistent with the Offaly County Development Plan 2009-2015 which has also been replaced by the Offaly County Development Plan 2014-2020. The Core Strategy for Tullamore is inconsistent with the current County Development Plan core strategy. It is submitted that the Core Strategy conflicts with the achievement of housing delivery in Tullamore under the overarching Offaly County Development Plan and has an outdated policy basis. 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.

NODAL DEVELOPMENT

Both Table 5.2 and the Tullamore Southern Environs Phasing diagram (figure 5) 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. It is submitted that the objective contained at Table 5.5 of the TTEDP under ‘Tullamore Southern Objectives’ conflicts with the approach of the TTEDP and Chapter 5 as a whole.

National planning policy documents wrestle with the issue of sequencing and scenarios such as this 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 2 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.

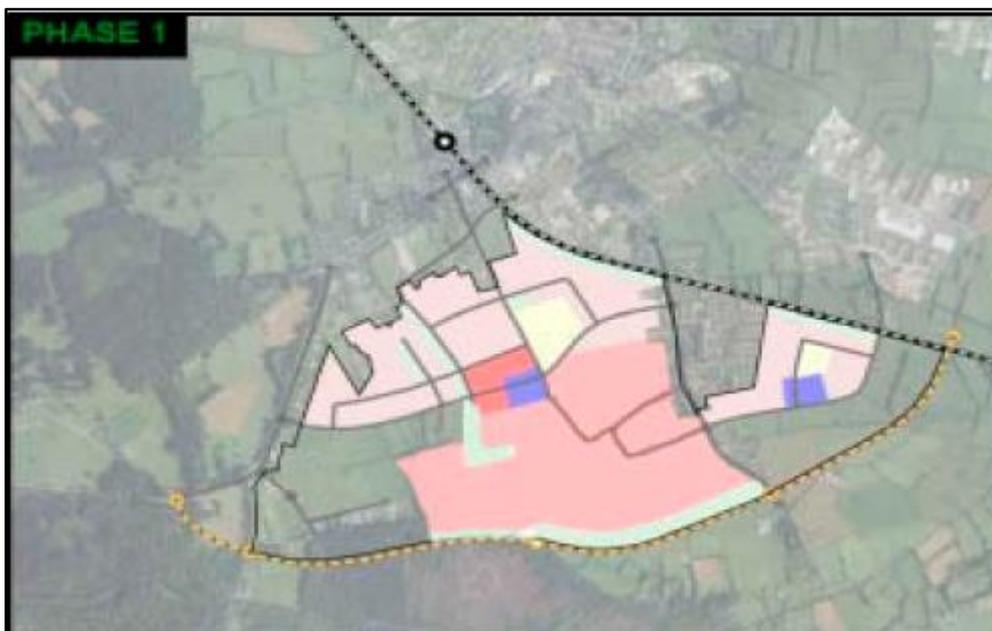


Figure 8: Sequenced release of masterplan lands in the Southern Environs

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

PRIVATE OPEN SPACE FOR APARTMENTS

In the case of apartment and duplex schemes, the TTEDP requires private open space to be provided in the form of landscaped areas, courtyards, terraces/patios and balconies. Roof gardens could also be considered. There is conflict within the TTEDP regarding to the provision of private open space for apartments. Section 14.2.1.21 states “*planning applications for apartments shall be assessed against the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’, 2007 by DoEHLG*”. The TTEDP acknowledges the Guidelines include standards in relation to communal and private open space, however, section 14.2.1.7 of the TTEDP states “*normally, a minimum of 20m² of private open space or garden area for each bed space in flats/apartments shall be provided*”.

It is submitted the advice contained within the TTEDP in relation to the provision of private open space for apartments is conflicting and not clearly stated.

5.3 37(2)(B)(III) PERMISSION FOR THE PROPOSED DEVELOPMENT SHOULD BE GRANTED HAVING REGARD TO THE REGIONAL SPATIAL AND ECONOMIC STRATEGY FOR THE AREA AND GUIDELINES UNDER SECTION 28

CORE STRATEGY

It is submitted that the proposed development is fully in keeping with the Regional and Spatial Strategy for the Eastern and Midland Region (RSES). Tullamore is recognised by the RSES as a Key Town within the Gateway Region.

The importance of Tullamore is recognised in the Regional Planning Objective (RPO 4.69) to *“Support the role of Tullamore as a major employment centre with key assets being its existing positive jobs to resident employee ratio, excellent quality of life and future strategic development sites, with support for the provision of enabling and facilitative infrastructural development to complement this role”*.

The application site is in proximity to a strategic employment area within the Southern Environs Enterprise Node. Tullamore has a high resident to jobs ratio (1.488¹) and the provision of residential accommodation will support existing and future employees.

While figures are not available below the County Level, the projected growth in population within the County of Offaly is between 7,000 and 8,000 to 2026². According to the RSES, as a Gateway Region Key Town, Tullamore has the potential to accommodate above average growth (pg.78), facilitated by its location on a high quality public transport corridor connecting it to the Regional Growth Centre of Athlone, and aligned with requisite investment in services, amenities and sustainable transport (para. 4.6:65). In terms of service provision, Tullamore is placed at Level 2 of the Retail Hierarchy together with Athlone and Mullingar in Westmeath.

In relation to Residential Development, the RSES supports the provision of housing in Tullamore for a range of housing types, tenures and densities which are well designed with integrated green infrastructure, active travel links and renewable energy options (p.82). According to the RSES, *“The provision of housing at the right locations will play a fundamental role in the overall economic, social and environmental success of the settlement”* (pg.82).

The Core Strategy undermines the achievement of population growth in Tullamore as envisaged by the National Planning Framework and Implementation Roadmap which is of direct statutory relevant to the RSES containing transitional regional population projections. There has been no development on phase 1 masterplan lands. The release of the application lands including a very small portion of phase 3 lands (15% of the 22.67 hectares Sequence Phase 3 lands in the Eastern Node of Southern Environs Masterplan Lands) as part of the proposed development will provide 349no. residential units on lands zoned ‘Residential’ within the settlement boundary of Tullamore and in proximity to existing employment centres and retail services is fully in keeping with the policies of the RSES. The proposed development includes a mix of house types and apartment sizes to provide a density of 35 units per hectare in keeping with National and Regional Planning Policy for the efficient use of zoned lands. The extant Development Plan is from 2010 which was varied in 2013

¹ Project Ireland 2040 – National Planning Framework (p.171)

² Implementation Roadmap for the National Planning Framework (p.13)

to incorporate the core strategy. Since then a new National Planning Framework and Regional Spatial and Economic Strategy have been published. In addition, since 2010 a significant amount of Section 28 Guidance has come into force.

It is acknowledged by the TTEDP that flexibility must be applied to reflect market demands (para. 5.3). It is submitted that by applying this flexibility to the inclusion of a small area of Sequence Phase 3 lands (15% of Phase 3 designated lands) in Nodal Masterplan Phase 1 will not materially impact the achievement of the Core Strategy phasing goals but will make a very significant contribution towards achieving a comprehensive and successful design and attractive new neighbourhood and is consistent with Regional Planning Policy. In particular, it allows for development on both sides of the Link Street and a much more rounded neighbourhood setting. We also highlight that the position of the Link Road on the map is only indicative and to slavishly adhere to a line on a map, that does not follow any manmade or natural features, directs planning and design towards 'slide-rule' planning rather than comprehensive neighbourhood planning where the focus is on the best layout and design for the area and for the new residents of the area. The Planning Authority accepts that the road line can be adjusted and that the line of the map is clearly only indicative.

ENCROACHMENT INTO PHASE THREE LANDS

As detailed in the Statement of Consistency and Nodal Masterplan for the Eastern Node provided under separate cover, the decision to include c.3.5hectares of phase 3 lands within the application site was as a result of an interactive process and on the basis of good design practices. At the outset of engagement and consultation with the Planning Authority the Planning Authority was supportive of this approach but has since decided otherwise. This area represents 15% of the 22.67 hectares Sequence Phase 3 lands in the Eastern Node of Southern Environs Masterplan Lands. It is submitted that to construct a single sided Link Street would be contrary to Section 28 Guidelines as follows.

Sustainable Residential Development in Urban Areas, Guidelines for planning authorities (2009)

In relation to the design of residential streets, the Guidelines refer to the UK Manual for Streets (2007) and detail principles that should influence layout and design of streets in residential areas (para. 3.13). These principles include safety and sense of place.

Safety - *Will the development include measures to ensure satisfactory standards of personal safety and traffic safety within the neighbourhood?*

The Guidelines include recommendations in relation to street design and state, "Frontage-free streets (such as distributor roads) are not recommended, as they can be unsafe for pedestrians (especially after dark) and can result in a hostile environment" (para. 3.18). According to the Guidelines, "good design is essential in a residential area in giving a sense of personal safety, e.g. by providing for the passive surveillance of the street and roads by residents and passers-by; blank facades and areas that are not overlooked should be avoided" (para. 4.22).

The proposed link street forms the spine along which the development is orientated. From this link street, local streets and homezones provide circulation throughout the new neighbourhood. Housing is designed to provide direct frontage onto both sides of the link street with no blank facades and own door entrances providing activity and passive surveillance along its entire length. It is submitted that to develop only the northern side of the link street would be contrary to the Guidelines.

Further Guidance on pedestrian safety and comfort is provided by the Urban Design Manual under the criteria of 'Layout' where it outlines how enclosing streets with buildings helps to define them as urban places, creates a greater sense of intimacy and promotes them as pedestrian friendly spaces that are overlooked.

In order to achieve the level of enclosure required by DMURS both sides of the link street need to be developed.



Figure 10: Computer generated image of the proposed link street looking east from the site entrance illustrating the lack of enclosure if phase 3 lands are not developed.

Sense of Place – *Does the design of residential streets strike the right balance between the different functions of the street, including a 'sense of place'?*

A sense of place is achieved through a combination of approaches. Further guidance on the achievement of 'sense of place' is provided by the Urban Design Manual under the criteria of 'Distinctiveness'. In terms of new development, the guidance notes there is a need to create a distinct identity in themselves and make a positive contribution to the wider identity of the local area (p.48). This can be aided by creating visual connections into the site which will help reduce a sense of separateness's and creates a positive identity and sense of place (p.50).

The entrance to the proposed development is also the entrance to the Eastern Node. As part of the detailed design of the proposed development, the indicative position of the Link Road where it meets Clonminch 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.



Figure 11: Computer generated image of the proposed entrance to the application site and Eastern Node

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.



Figure 12: Computer generated image of the proposed entrance to the application site and Eastern Node without development on phase 3 lands

Design Manual for Urban Roads and Streets (DMURS)

DMURS presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes with regard to street networks and individual streets. DMURS is based on an integrated design approach to put well designed streets at the heart of sustainable communities. The design focus is on streets as attractive places.

According to DMURS, “*While movement of traffic is still a key issue, there are several others, including the ‘sense of place’, which are of core significance to the creation of safe and more integrated street designs*” (para.2.2.1, p.26).

DMURS identifies four interlinked characteristics that influence the sense of place within a street;

1. Connectivity

The creation of vibrant and active places requires pedestrian activity. This in turn requires walkable street networks that can be easily navigated and are well connected.

If developed as per the phasing map, the early phases of the development would hug the existing residential area to the west in an extended linear fashion away from the Clonminch Road with balance of the application site (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. This elongated development would result in pedestrians having longer distances to travel.

2. Enclosure is defined by DMURS as follows;

“A sense of enclosure spatially defines streets and creates a more intimate and supervised environment. A sense of enclosure is achieved by orientating buildings toward the street and placing them along its edge”.

Section 4.2.1 provides more detail on the ‘sense of enclosure’ in quantifiable terms. It describes a sense of enclosure as a ratio where the height of buildings either side of a street is measured against the width of that street. According to DMURS, “*Enclosing streets with buildings helps to define them as urban places, creates a greater sense of intimacy and promotes them as pedestrian friendly spaces that are overlooked. This sense of intimacy has been found to have a traffic calming effect as drivers become more aware of their surroundings. Designers should seek to promote/maintain a sense of enclosure on all streets within cities, towns and villages”.*

As stated above, in order to achieve a sense of enclosure and the advantages of a properly enclosed and functioning link street, both sides of the street need to be developed.

3. Active edge

An active frontage enlivens the edge of the street creating a more interesting and engaging environment. An active frontage is achieved with frequent entrances and openings that ensure the street is overlooked and generate pedestrian activity as people come and go from buildings.

Section 4.2.3 provides more detail on how to achieve an active edge stating *“The most effective way to promote pedestrian activity is to place buildings in close proximity of the street with a high frequency of entrances and other openings”*.

By restricting development to the north of the link street (phase 1 lands), there will literally be half of the pedestrian activity proposed. The link street requires a strong urban edge with buildings in close proximity and a high frequency of entrances/openings. This cannot be achieved without developing the southern side of the street.

4. Pedestrian activity/facilities.

DMURS explains, the sense of intimacy, interest and overlooking that is created by a street that is enclosed and lined with active frontages enhances a pedestrian’s feeling of security and well-being. Good pedestrian facilities (such as wide footpaths and well designed crossings) also make walking a more convenient and pleasurable experience that will further encourage pedestrian activity.

A high quality pedestrian environment is proposed to serve the new neighbourhood. The link street is designed by Park Hood as a tree lined avenue from the main site entrance through the development connecting parks and open spaces. As illustrated below by figure 10, there are multiple entrances and wide footpaths either side of the link street as well as cycle tracks.

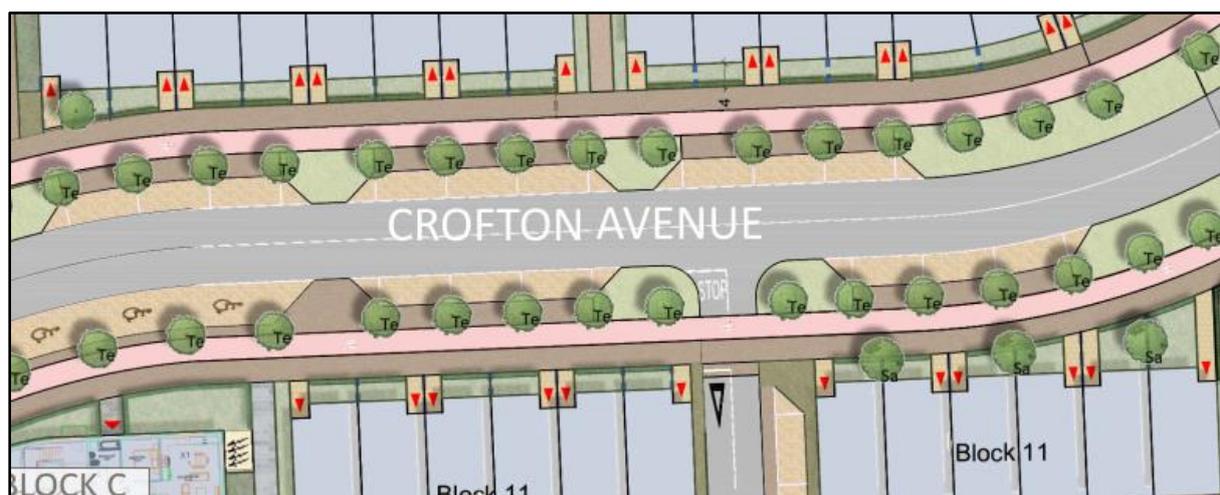


Figure 13: Extract from Park Hood Drawing 6473-L-304 illustrating the proposed link street named Crofton Avenue. Red arrows indicated entrances.

According to DMURS, “Local authorities shall facilitate the implementation of the principles, approaches and standards to road and street design set out in the Manual in carrying out their development planning functions under the Planning Code” (para. 1.3, p.10).

The site layout of the proposed development is based on the principles and standards of Design Manual for Urban Streets and Roads. The TTEDP and the roads objectives contained within were adopted prior to the Design Manual for Urban Streets and Roads DMURS. As detailed in the Infrastructure Design Report by DBFL under separate cover, the proposed development includes the provision of approximate 550 metres of the link road between Clonminch Road and Chancery Lane which is a specific policy objective of the Plan (TTEP 08-08) as identified on map 8.1 of the TTEDP. This piece of major roads infrastructure is designed in the form of a DMURS ‘Link Street’.

The line dividing the Eastern Node into phase one and phase three is the indicative route for the link street. Restricting the development to phase one lands and to propose development on only one side of this road, would be wholly inappropriate in urban design terms and contrary to the Sustainable residential development in urban areas, guidelines for planning authorities and Design manual for urban roads and streets (DMURS).

It is considered that the provisions set out under section 37(2)(b)(iii) are applicable in this case having regard to Governmental Policies, in particular the RSES and regional population projections, the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, a Best Practice Guide (2009) and the Design Manual for Urban Roads and Streets (2013).

PRIVATE OPEN SPACE FOR APARTMENTS

As demonstrated by the Statement of Consistency, the proposed development is fully in keeping with the Section 28 Guidelines and specific planning policy requirements contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, Urban Development and Building Height, Guidelines for Planning Authorities, 2018 as well as national design guidance as contained in the document Sustainable Residential Development in Urban areas (2009) and the Urban Design Manual (2007).

It is submitted that the provision of new and updated national policy on apartment design provided by the Sustainable Urban Housing: Design Standards for New Apartments (2020), provides justification for the divergence from the TTEDP in terms of private open space provision. It is also submitted that the provision of apartments with the level of private open space required by the TTEP is contrary to SPPR 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which specifically calls for minimum densities as per the Guidelines ‘Sustainable Residential Development in Urban Areas’, (2008) and the avoidance of mono-type building typologies particularly in any one development of 100 units or more. Minimum densities and apartment design would be negatively impacted upon should the private open space provisions of the TTEDP be applied.

5.4 THE PATTERN OF DEVELOPMENT, AND PERMISSIONS GRANTED, IN THE AREA SINCE THE MAKING OF THE DEVELOPMENT PLAN.



Figure 14: Offaly Residential Dwellings Granted Planning Permission

Figure 11 represents the number of units for which planning permission was granted in County Offaly since the TTEDP adoption in 2010 based on data from the Central Statistics Office. Unfortunately data is not available for Tullamore. However, this data for Offaly demonstrates that since the Plan was adopted in 2010 2,063 units were granted planning permission in the entire County. From 2014 (Year following adoption of Core Strategy) to Q3 2020 1,618 were granted within the County which is less than the requirement for Tullamore alone³ which would be 1,921 dwellings and this includes 'one-off' housing that does not come to the market for sale and provides no social housing under Part V.

Essentially, housing development at Tullamore has been seriously below the housing completion rates expected from even its own Development Plan.

It is recognised that Offaly, with 40% of its population living in dispersed rural areas, represents a significant challenge to integrated land use planning (para. 4.4:78 Offaly County Development Plan). As illustrated by Figure 11, there is a high proportion of one-off houses granted planning permission in County Offaly with the number of one-off houses granted planning permission exceeding multi-unit housing developments in all but three years since 2010. While 2017 marked a change in level of multi-unit development permitted, one-off houses still represented 43% of all houses permitted. It is also clear from CSO data on new dwelling completions that while the number of multi-unit/scheme housing permissions has increased, the number of single houses being constructed still outstrips this type of development (Figure 11).

³ Table 1.3 indicates 1,921 units are required between 2014-2020

It is submitted the proposed development within the settlement boundary of Tullamore, accompanied by a Masterplan on zoned and serviceable lands is a more sustainable form of development and will help counteract the dispersed pattern of development in the County to date.

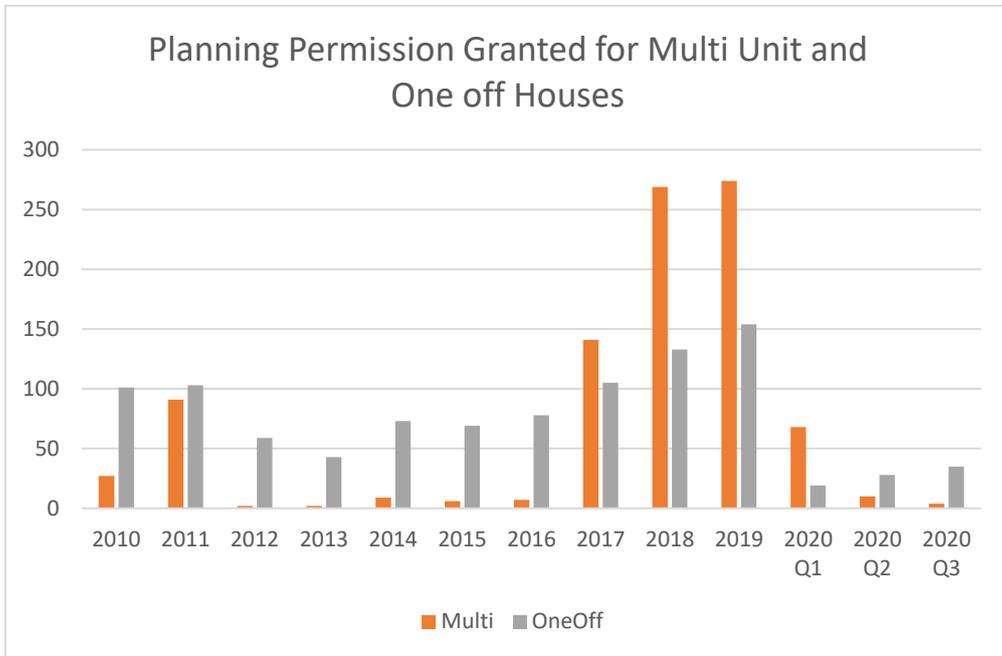


Figure 15: Comparison of planning permission granted for multi-unit and one-off houses

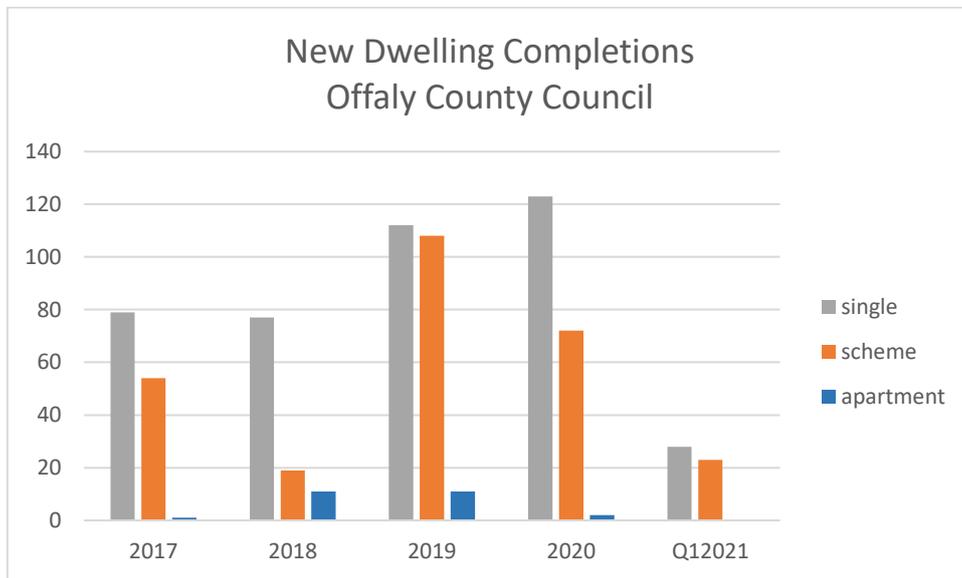


Figure 16: Comparison of new housing completions by type

Development of and planning applications for multi-unit residential developments to date have been to the north of the town. It is submitted that the proposed development provides balance and will support the future development of adjacent employment lands, providing necessary critical mass to extend and improve public transport infrastructure. There is also an existing strong employment base in the Central Business Park to the west of the site in which the Department of Education and Skills, Department of Agriculture and Teasgac are located. In addition, apartment type developments are not well represented in County Offaly or Tullamore. This type of development offers a solution to employees who are new to the area or companies wishing to attract employees. It also offers flexibility within a larger neighbourhood allowing households to downsize if desired. This approach is in keeping with Regional Planning Objective 9.4.

It is requested that An Bord Pleanála have regard to the unsustainable pattern of development in the area of Offaly County Council which is dominated by one-off housing when considering the release of 3.5hectares of phase 3 lands which are zoned, serviceable and within the settlement boundary of Tullamore which is a designated growth centre.

No lands zoned Residential and located in Sequence Phase 1 have been brought forward since the Core Strategy was adopted. The area of Phase 3 Masterplan Lands incorporated into the application represents only 1% of all the residentially zoned Masterplan Lands. It is submitted the release of c.3.5hectares of Phase 3 lands to form part of a compressive development together with 6.5 hectare of phase 1 lands will not undermine the aims and objectives of the masterplan areas or core strategy and will deliver a substantial section of the Link Road a key piece of infrastructure to Tullamore and an objective of the Development Plan. In addition, the development will facilitate much improved cycle connectivity to the centre of Tullamore, which whilst beneficial to the residents of the proposed development is also beneficial to the wider community.

6.0 CONCLUSION

The proposed development is a Strategic Housing Development on lands zoned 'Residential' and 'Neighbourhood Centre' within the settlement boundary of Tullamore. Whilst the proposed development does not materially contravene the zoning objective that affects the lands, a strict interpretation of other elements of the Plan could lead to the conclusion that certain elements relating to Core Strategy and/or phasing are materially contravened. This Statement sets out strong justification why the development should be permitted notwithstanding these material contraventions. Tullamore is identified by the RSES as a Key Town with a high job to resident's ratio and functions at a much higher level than its residential population would suggest. The settlement has hugely underperformed in terms of housing provision relative to even its on development plan. Tullamore is well placed for future development both in terms of its public transport links and location in the Gateway Region. 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 as follows-

- **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 Pan 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.

Yours faithfully,



Stephen Ward