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06 October 2020

## County Offaly Development Plan 2021 - 2027

Draft Plan : Submission on behalf of WeaverMay Ltd, Cormac Street, Tullamore, Co Offaly

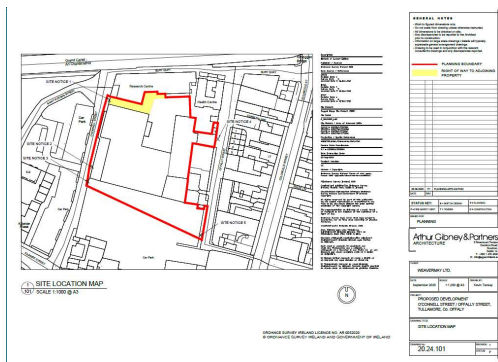
Objection to draft Plan in regard to its lands between O'Connell Street and Offally Street, Tullamore

## Proposed Amendment :

- Delete core retail area,
- Include town centre boundary
- Introduce flexibility regarding taller buildings
- Revise the draft Plan to secure viable and deliverable development within the plan period, focused on Tullamore in the first instance

## Introduction

1. This representation is submitted on behalf of WeaverMay, which is the landowner of the land shown edged red below, comprising an area of 0.73 ha and lying between the existing roads of O’Connell Street and Offaly Street, Tullamore. It relates to the parcel of land the subject of an extant planning application, submitted to OCC for consideration on 29 September 2020.



Source : Arthur Gibney & Partners



Source : CODP 2021 DRAFT – Opportunity Site 2

2. There is much within the draft Plan which WeaverMay supports. However, it is considered that there is a significant lack of emphasis on delivery of the Plan’s aims and objectives and no regard given to the viability and commercial requirements of proposals. On this basis, it is considered likely that the intentions of the Plan (which for a significant part are a restatement of the previous plan) will remain undelivered over the plan period, if adopted in its current form, to the detriment of the development and growth of the county and its resident, work and visitor population.
3. This representation provides the reasoning for WeaverMay’s support or objection to elements of the plan and identifies the changes requested to paragraphs, tables, policies and objectives as detailed in the draft Plan. For clarity, amendments are shown in ***bold italics***, with words requested to be deleted shown as ‘~~delete~~’.
4. WeaverMay welcomes the opportunity to participate in this process. It is requested that Offaly County Council both gives full consideration to those proposed changes and accepts that the changes are proposed on a collaborative basis, to ensure that together stakeholders can achieve a plan which is deliverable over its plan period.

5. Weavermay's comments are directed at those parts of the Plan which have implication for the town centre, and development potential for Opportunity site 2.

### Strategic Vision

6. Weavermay supports the Strategic Vision and objectives but considers that the Plan has to recognise that in order to ensure that the County is sustainable and competitive, its policies and proposals have to be based on development which is commercially viable. Without this, there will be no private development, which is the core to implementation of the greater amount of land zonings in the plan.
7. The Plan rightly seeks to focus development through consolidation with a significant proportion of development on infill/ brownfield/ underutilised sites within the existing built-up footprint (strategic Objectives, no(ii)). However, as there can be constraints to and fundamental additional costs to the development of such land compared to greenfield sites, such objectives will not be realised unless delivery mechanisms are incorporated within the plan. No such mechanisms exist so it is unclear how the Council considers that the Plan's aims and objectives will be any more delivered than those of the current extant plans – which have not been successful in relation to retail and economic development within Tullamore.
8. The drive to 'Direct a significant proportion of the county's development and population growth into Tullamore a Key Town ..... in order to build up its critical mass and fulfil its role as a key growth driver of the county and midland region' is, therefore supported, but it is considered that detail within the Plan, as drafted, will result in failure to realise this objective as has occurred with all Offaly development plans for the past 20 years.

### Delivery

9. Policies and Objectives make statements regarding the intention to deliver brownfield development but contain no delivery mechanisms. Statements alone are insufficient to achieve objectives. For example, under 'Compact Growth, Sustainable Mobility and Integrated Transport and Landuse Planning', CAEP-18 states that 'It is Council policy to proactively encourage decarbonisation of local journeys by focusing on compact growth and reduced sprawl by targeting infill and brownfield lands in the existing built-up footprint of settlements'. Without a mechanism, however, to ensure that such sites come forward, this policy will not be achieved – it will remain a statement only. The Plan needs to indicate 'how' OCC will proactively engage, and 'how' such engagement will bring forward such land.
10. That the plan needs to ensure that mechanisms for delivery are introduced, and that flexibility is brought into the plans policies, is demonstrated by the fact that, at page 117, Figure 6.2 and paragraph 6.5.4 (tourism & recreation), the plan correctly identifies the Tullamore Dew Visitor Centre and Grand Canal as important features and centres in the county. The recent decision to close the Tullamore Dew Visitor Centre demonstrates that means by which a Plan can become out dated in a short period of time, and demonstrates the necessity of ensuring that the aims and objectives, and the policies which flow from such objectives are realistic, and deliverable. Market conditions change quickly, and the plan has to be

able to respond to those changing conditions. In this respect, the policies also introduce a lack of flexibility, which will be a deterrent for investment.

11. Notwithstanding statements at page 151 that the Council will support the 'provision of necessary infrastructure' and policy ENTP-04 that it is 'Council policy to prioritise, facilitate and promote the development of infrastructure that supports and attracts new economic activity-related investment in County Offaly' and policy ENTP-07 to 'strengthen and channel development into Tullamore the primary driver for economic development' there is no mechanism identified in the Plan for the delivery of that infrastructure or for the prioritisation of public resources to ensure that Tullamore is the key settlement for investment. On this basis, Weavermay **objects** to the following policies and objectives and requests that they are amended to include the required mechanism to achieve results 'on the ground'.

ENTP-04 It is Council policy to prioritise, facilitate and promote the development of infrastructure that supports and attracts new economic activity-related investment in County Offaly *by allocating its scarce resources to improving the economic infrastructure in Tullamore in the first instance; investment will then follow in other towns in order in the settlement hierarchy.*

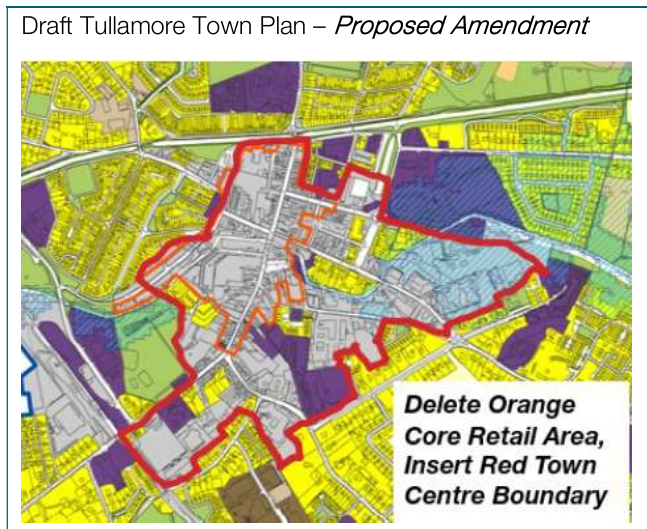
ENTP-07 It is Council policy to strengthen and channel development into Tullamore the primary driver for economic development within the county, which is designated as a Key Town in the Regional Spatial and Economic Strategy *by giving economic growth and job creation consideration paramount importance as the prime considerations in assessing development proposals.*

Towns ENTO-03 It is an objective of the Council to facilitate the development of Tullamore, a Key Town under the Regional Spatial and Economic Strategy, in accordance with regional policy. *To facilitate this, lands have been reserved* ~~This will include measures to seek to reserve lands~~ within Tullamore to make provision for potential nationally and regionally significant activities and to attract specialist large-scale enterprise development within the county. *The Council will positively consider all applications for economic-related development on the reserved lands, and other land identified as appropriate for development, by giving economic growth and job creation consideration paramount importance as the prime considerations in assessing development proposals.*

12. Such action has rightly been taken by OCC in its determination of planning applications, for example 19/96, during which the Chief Executive placed economic development and job creation at the heart of the determination of the application and such action is welcomed. However, for certainty and clarity, such positive action should be embraced in the emerging Plan so that all stakeholders, but particularly investors, can appreciate that OCC is willing to place economic development at the forefront of its decision making processes.

#### Town Centre and Core Retailing Area

13. Weavermay supports the intentions for the plan to focus retail development within the town centre. However, it is considered that the town centre is not easily discernible as shown on the Town Plan and considers that there ought to be a clear line drawn around the town centre boundary, incorporating Opportunity sites 1, 2, 3, 4, 6, 7 and 8, which is broadly consistent with the current TTEDP. This proposed amendment is identified on the extract of the Town Map below.



14. This amendment is proposed for a number of reasons relating to the deliverability of development and the concentration of resources and economically viable development to Tullamore and also, to avoid uncertainty. For example, Page 253, policy SMAP-05 identifies the policy that larger-scale developments 'should in the first instance be focused into central urban locations and developed in a sequential manner'. However, without a clear definition of that area, it is difficult to identify the location of that centre area and that makes sequential testing impossible. Without clear portrayal of the areas in question, this policy cannot be properly implemented hindering the delivery of development.
15. The draft Plan includes detail policies concerning the Town Centre and Retailing (Chapter 7). It identifies a core shopping area as a change to the extant TTEDP which identifies a town centre boundary. Whilst Weavermay's land is included within the Core Shopping area, it objects to the change to the treatment of the town centre, as unnecessary and a constraint to development. Such is the importance of Tullamore, as the top tier in retail activity, and as the Key Town of the county (as identified in the RSES), it is considered that the plan should be positive towards development within the entire town centre rather than just a constrained part, significantly reduced from the extant plan.
16. The current approach in the draft Plan will diminish the role of Tullamore and will not achieve its goal to reduce retail leakage and achieve a strong town equal to its designation as a Key Town. Other key towns and settlements lower in the settlement / retail hierarchy will grow disproportionately to Tullamore and it will not be able to compete for scarce resources, making no development scheme viable.

17. Paragraph 7.1.3 refers to the Retail Planning Guidelines 2012 and is clear that Plans should ‘Define by way of a map the boundaries of the core shopping areas or town centres’ (SHP underlining). On this basis, it is clear that the extant TTEDP is correct in its designation of a town centre boundary and that area need not be artificially constrained in this emerging Plan. Core Retailing Areas are acceptable in the lesser important towns.
18. The identification of the Core Shopping Area and the requirement for sequential testing beyond that Core introduces constraints which do not exist at this time, and which is, therefore, counter-productive to the intentions that Tullamore be the main centre for growth.
19. Weavermay **objects** to the Core Shopping Area identified on the Tullamore Town Map and considers this should be *deleted and a town centre boundary, incorporating all but Opportunity Site 5 and 9*. It is acknowledged that development of some of the Opportunity Sites may result in a negative impact upon the business operations of some specific businesses within the existing shops of the town. The purpose of planning, however, is not to protect the commercial and competitive interests of one specific business over another – it is to ensure the delivery of development which benefits the community as a whole. Strengthening the retail function of the town centre as a whole will do that, rather than limiting choice and opportunity. This approach will facilitate the redevelopment of Weavermay’s Opportunity site restoring the potential strength of Tullamore as a Key Town; rather than reducing the significance of the town centre and minimising opportunities, which negatively impacts that strength.
20. Weavermay recognises that it is the only applicant with a live planning application for retail development of any scale in Tullamore at this time, and it regrets that fact that planning permission has not yet been granted for the retail-led development at Riverside, Opportunity Site 6 in the draft Plan, submitted by Grapemont Ltd which is made up of the same directors and shareholders as Weavermay. Due to these similarities, Weavermay is confident that both schemes can be implemented as they will benefit each other rather than being in conflict. OCC should place significant weight on the representations regarding both Opportunity Site 2 and 6 as it is the landowners of these sites / applications which can support the delivery of the Plan’s aims and objectives. The Plan should recognise the benefit of significant town centre investment and should accordingly remove the Core Shopping Area constraint.
21. Weavermay recognises that there is no clear data available on the scale, level or form of retail activity deemed acceptable for the County and for Tullamore, which continues the level of uncertainty for investors, despite the Plan identifying the necessity for such information (paragraph 7.1.3). The Retail Strategy should be prepared and introduced as a matter of urgency, and commitment should be made to this in the plan.
22. Nevertheless, Weavermay supports the recognition given to the role of Tullamore as the key town in Table 7.1 and the vital role it can play in effectively reducing retail expenditure exported from the county to other centres, and that at page 208, which states that Tullamore will be the main focus of retail development activity.
23. However, Weavermay also considers that the Plan should accept as a basic principle that all retail development within the identified town centre is positive and will facilitate the aims of the RSES and the Plan to enhance the role of Tullamore as the key retail centre in the County. The introduction within the



Plan of the constraint on prospective investors to demonstrate the suitability of sites within the town centre for retail development should be removed – it is an unnecessary hurdle, and additional cost, which will deter development, contrary to the aims of the plan. It should be recognised that Opportunity Sites have been identified for development for some 15+ years, some with the benefit of planning permission or Notification to Grant Consent issued recently by OCC but which have not been developed. The Plan will not achieve its aims if the proposed constraints are not removed.

24. The Plan should positively promote the opportunity sites for town centre related and retail development specifically by acknowledging the contribution the sites make to the retail function of the town. Accordingly, Weaver may objects to Table 7.2 as currently presented and it is requested that the following amendment is made:

Typology	Description
Key Town (Tullamore)	<p>Tullamore is the focus for all types of retail development. Its role, as a Key Town, <del>can</del> <b>will</b> be strengthened through securing major retail development for the town, which will in turn benefit the county area and the wider region. Tullamore has the greatest capacity to accommodate a range of retail development types <i>and it is recognised that all retail development within the town centre will contribute to the role of Tullamore as the key retail centre in the County. Accordingly, major</i> comparison retail development should be directed to Tullamore <i>town centre and the principle of the retail / mixed town centre uses will be given primary consideration in assessing development proposals.</i> The application of the sequential test is fundamental to achieving appropriate retail development in the most appropriate locations within Tullamore and <i>will be an essential requirement of proposals on sites outside the designated Tullamore town centre. The assessment must demonstrate the suitability of the out-of-centre site for retail development and that it</i> Major retail development proposals in Tullamore shall demonstrate that the proposal will have a positive impact in:</p> <ul style="list-style-type: none"> <li>• further reducing levels of retail expenditure exported from the county;</li> <li>• generating a significant improvement in Tullamore's regional appeal; and</li> <li>• consolidating the town centre, in particular Opportunity Sites.</li> </ul> <p><i>Development briefs will be prepared for the Opportunity Sites, in consultation with the landowners and other stakeholders, and will be included within the Tullamore Local Area Plan.</i></p> <p>A neighbourhood centre will be considered <i>only</i> where it complements rather than competes with the town centre. It should provide an appropriate range of local services including commercial, retail and community uses, to support the population of the surrounding area .....</p>

25. The Plan properly acknowledges the decline in town and village centres in County Offaly due to the previous economic downturn (and the current uncertain economic climate may again be a fundamental factor in the success or not of the Plan), challenges from other centres and retail facilities and the increasing role of on-line shopping in changing trends and patterns in consumer purchasing. Weavermay supports the Plan's approach to seek to diversify and develop the role of town and village centres, but considers statements regarding the need for mixed uses, increasing the density of residential development and increasing the height of development beyond that normally present in the town could deter investment due to viability issues. There is no evidence that the Opportunity sites could support the type and form of development alluded to in the draft Plan, which is inconsistent with all forms of existing development in the town. That the sites cannot support high density / scale development is evidence in the time-lapsing of the previous planning permissions

Page 211, Chapter 7

The Council supports applications for retail development which:

- Are in line with the role and function of the town or village in the settlement hierarchy of the development plan, and
- Accord with the scale and type of retailing identified for that location in the development plan.

Applications for retail development shall be assessed against a range of criteria, which include the following:

- Sequential approach (*other than in the identified Tullamore Town Centre*);
- Retail Impact Assessment (*other than in the identified Tullamore Town Centre*);
- Traffic and Transport Assessment(*other than in the identified Tullamore Town Centre*);
- Specific categories of retail development (for example, large convenience goods stores such as supermarkets, factory shops, retail parks and retail warehouses) (*other than in the identified Tullamore Town Centre*);
- Sustainable mobility; and
- Design and place making



A Retail Impact Assessment (RIA) will be required where:

- a new retail development is considered to be particularly large in scale compared to the existing town centre, *with the exception of Tullamore*, or
- there is a particular allocation of a specific type and/or quantum of retail floorspace to a particular settlement *other than Tullamore*, and a proposed development absorbs on one site the bulk of that potential retail floorspace.

An RIA must examine and demonstrate compliance with the Development Plan and that there would not be a material and unacceptable adverse impact on the vitality and viability of any existing centre *and particularly Tullamore town centre*. The RIA must address criteria as set out in the Retail Planning Guidelines 2012 (or any subsequent update).

Table 7.4:

Assessment of specific categories of retail development

Category Assessment

Criteria

Large Convenience Goods stores i.e. supermarkets, superstores and hypermarkets

- Should be located in town centres or on the edge of town centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy to support and add variety and vitality to existing shopping areas and also to facilitate access to shoppers by public transport.
- The sequential approach should be used to find the most preferable sites, *other than in Tullamore town centre*
- Planning application drawings should clearly delineate the floorspace to be devoted for sale of comparison and convenience goods, and should differentiate between net and gross floor area.
- The balance between the convenience and comparison elements shall be assessed as a critical element of the suitability of the development proposal. Where a significant element of the store is indicated to be for comparison goods the potential impact of that element of the store on existing comparison goods stores within the catchment must be included in the assessment of the application.

26. The Plan carries forward policies which seek to support retail development with the town, in accordance with its position as the highest tier in the retail hierarchy in Offaly. However, in the absence of any detail on the amount, type and form of retail development required to support its retail function, it is considered that the policies have little meaning. Positive action needs to be given in the policies, rather than general unquantifiable statement and reactive consideration following submission of planning applications.

RTCP-02 It is Council policy to promote Tullamore, a Key Town, as the main retail centre in the county and to ensure that the retail quantity, quality and range is of a standard that contributes to the strengthening of the retail economy within Tullamore Town, the county and the region as a whole.

*Positive consideration will be given to retail proposals and which will only be refused when the Council is able to demonstrate that the proposal will not achieve the aims of this policy.*

RTCP-03 *Until such time that a definitive Retail strategy is in place to provide clarity to its requirements* It is Council policy to ensure that higher order retail services and developments are located in higher order settlements, as set out in Offaly's Settlement Hierarchy. The Council shall consider the scale, type and location of retail developments within the county when determining their suitability *and will give positive consideration for proposals which deliver net economic gain. The Council will grant planning permission for retail development within the Tullamore Town Centre.*

RTCP-06 It is Council policy to encourage retail development, including new forms of shopping which relates to the regeneration of existing town and village centres. Proposals, which would undermine the vitality and viability of ~~retail core areas or~~ town and village centres, as a whole shall not be permitted.

RTCP-07 It is Council policy to encourage retail development *in Tullamore Town centre and* primarily in core retail areas *of other towns and villages* and to apply the sequential approach in the consideration of the location of retail developments located outside of Tullamore town centre and other core retail areas.

RTCP-10 It is Council policy to address leakage of retail expenditure from the county by *proactively* providing the means to strengthen the range and quality of its retail offer *by giving net economic gain paramount importance and granting planning permission for retail development in Tullamore town centre.*

27. The Plan carries forward policies which seek to support retail development with the town, in accordance with its position as the highest tier in the retail hierarchy in Offaly. However, in the absence of any detail on the amount, type and form of retail development required to support its retail function, it is considered that the policies have little meaning. Positive action needs to be given in the policies, rather than general unquantifiable statement and reactive consideration following submission of planning applications.

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RTCP-10 It is Council policy to address leakage of retail expenditure from the county by *proactively* providing the means to strengthen the range and quality of its retail offer *by giving net economic gain paramount importance and granting planning permission for retail development in Tullamore town centre.*

28. The generality of the Town Centre / mixed Use land zoning is supported, although Weaver may considers that greater emphasis should be placed on the delivery of development proposals which contribute net economic gain.

#### Land Use Zoning Objectives Town or Village Centre / Mixed Use

The purpose of this zoning is to maintain the vitality and viability of existing town and village centres by developing and consolidating centres with an appropriate mix of commercial, recreational, cultural, amenity and residential uses *and supporting major retail-led proposals in Tullamore Town Centre.* Development proposals should be of a use, scale, form and design that accords with the role, function and size of the town or village centre. A diversity of uses for both day and evening is encouraged. These areas require high levels of accessibility, including pedestrian, cyclist and public transport (where feasible). Retail provision will be in accordance with Chapter 7 Retail and Town Centre Strategy and Regeneration.

### Commercial Developments

#### DMS-58 Retail

The provision of new retail development shall be in accordance with Chapter 7 Retail and Town Centre Strategy and Regeneration, and DECLGs Retail Planning Guidelines (2012) and accompanying Retail Design Manual or any subsequent revisions or updates to these Guidelines thereafter. Retail development should be in accordance with the fundamental objective to support the vitality and viability of the retail *town or village* centre. All applications for retail developments at edge-of-centre or out-of-centre locations will be subject to the sequential test.

*Other than in Tullamore town centre*, retail impact assessment and transport impact assessments may be required for significant retail development which due to their scale and/or location may impact on the vitality and viability of town and village centres. Proposals to amalgamate retail units will be carefully considered. All planning applications shall contain a design statement prepared in accordance with the 'Key Principles of Urban Design' as laid out in the 'Retail Design Manual, A companion document to the Retail Planning Guidelines for Planning Authorities', explaining why the particular design solution is considered the most suitable for particular site. Retail structures should avoid presenting blank frontages to streets. The frontage onto a street should represent the actual retail selling space, to facilitate access for pedestrians and animate the streetscape. Car parking shall be provided in a discreet, landscaped and well-screened environment, where practical, with a view to minimising its visual impact, particularly when viewed from approach roads.

*The net economic gain to Tullamore Town Centre will always be of paramount importance and the key consideration in determination planning applications. The Council will give priority to assessment of proposals which demonstrate viable proposals which will be delivered during the plan period.*

### Opportunity Sites

29. Weavermay welcomes the recognition that Opportunity Sites 'are considered suitable for re-development to contribute to the enhancement of the vitality and vibrancy of town and village centres and to provide for future mixed-use development including retailing, commercial and residential uses'. It considers, however, that the Council has to recognise, through the Plan, that the redevelopment of land has to be viable, otherwise the necessary private investment to secure redevelopment will not materialise – as it has not for the past 15+ years on the current Opportunity Sites which had the benefit of (now time-expired) planning permission for significant development but which was out of scale with the extent of development which Tullamore could absorb. The Council appears to have carried out no viability assessment of the policy requirements of the Plan; deliverability is therefore questionable.
30. Weavermay supports the intentions of the plan to focus Economic Development to Tullamore, and that such use includes retail and services. However, it is considered that the plan introduces constraint to the 'preferred' Opportunity Sites 1 and 2. Whilst it is recognised that Weavermay's land is included within the Core Retail Area (therefore, as far as this Plan is concerned, the preferred site for retail development), other

parts of the plan introduce requirements for this site far and beyond that for other development sites – whether they are other opportunity sites in Tullamore or generally other development sites.

31. This is a constraint to development and a deterrent to investment. The plan, therefore, introduces an anti-competitive environment for the supposedly 'preferred' sites, contrary to the statement in paragraph 5.3 Strategy. The Plan states that 'The Council, however, recognises that the biggest influence that it can have in the promotion and growth of the economy of County Offaly is contained within the policies and objectives of this plan', with which statement Weavermay agrees in general, but it is contented that the additional constraints introduced in the following sections will harm rather than support investment in Tullamore's town centre.
32. Notwithstanding the fact that the Urban Regeneration and Housing Act 2015 (as amended) requires OCC to provide a Vacant Site Register and allows for the opportunity of levy to be applied to vacant / mostly idle sites, Weavermay considers it counterproductive to introduce such uncompetitive and unfair constraint to Opportunity Sites. Weavermay is actively seeking the development of the site and is not unnecessarily delaying bringing the land forward for development. All constraints have to be addressed, finance available and market conditions appropriate for development. Levying opportunity sites adds to the constraint and does not promote positive action. Weavermay considers that the Council, through the Plan and the requirement for developer contributions could more effectively provide an incentive for development to achieve the aims and objectives of the plan. Weavermay therefore objects to paragraphs at page 221 of the Plan and requests the following proactive changes are made :

Opportunity Sites Opportunity Sites are identified below for Tullamore (Key Town), Birr (Self-Sustaining Growth Town), Edenderry and Portllington (Self-Sustaining Towns), and those within other settlements are identified in Volume 2 and Local Area Plans. These sites were chosen because of their prominence and underutilisation. In addition to promoting local economic growth, it is considered that their redevelopment would contribute greatly to the renewal, enhancement and regeneration of the towns and villages in which they are located. These sites also provide the greatest potential for development and consolidation.

~~Regeneration lands as defined in the Urban Regeneration and Housing Act 2015 (as amended) include these Opportunity sites.~~ *When an applicant demonstrates through viability assessment that land can be brought forward for development on Opportunity Sites in Tullamore which will result in positive economic gain in terms of economic development and job creation the Council will set aside its requirements for developer contributions in whole or in part to secure the early completion of development.*

33. For the past 15+ years, OCC has inactively pursued an approach to the Opportunity Sites in Tullamore which required the various landowners of the sites to bring forward the land on a co-joined basis, i.e. all landowners to be ready to develop the land at one common time. This has frustrated the realisation of the Opportunity Sites, only one of which has been partially built out. This demonstrates that this is not a successful or progressive approach to the development of opportunity sites. Weavermay considers that an alternative approach is now required such that land within each Opportunity Site should be allowed to be brought forward at different times, providing the development of the entire site is not thwarted over the longer term. The following changes are requested :

Opportunity site boundaries have not been identified definitively and can be added to, to provide for logical site boundaries or the inclusion of other potential Opportunity Sites. Some of the sites may be owned by different parties and *the bringing forward of only part of an Opportunity Site at any one time will be encouraged and deemed acceptable providing it is demonstrated that a coherent development strategy is can be realised such that an early release of one part of the Site to essential town centre uses will not frustrate the remaining part of the Opportunity Site from being developed in the plan period* would require an element of site assembly for a to progress. This approach to re-development is encouraged over a piecemeal approach. To help realise the full potential for the development of these sites, any application put forward should consider the Development Plan policies, objectives and standards and shall include an Urban Design Statement and Masterplan taking cognisance of the following development principles:

Site Assembly A detailed masterplan shall be prepared for each individual area that includes a phasing programme which demonstrates how the proposed development complies with the principles of sustainable compact development, good urban design and healthy place-making. This can be undertaken in consultation with The Planning Authority *will actively engage in this process* prior to the submission of a planning application *and will commit to responding to draft submissions within a 3-week period*. Developers, landowners and the Council shall be required to coordinate and work together in order to achieve an integrated coherent approach to development as opposed to a piecemeal approach.

#### Design and Layout

- Promote mixed use and diversity, with a substantial amount of residential use *(if viable and subject to market demand)*;
- Comply with the Core Strategy and Housing Strategy;

Incorporate Taller Buildings (6 storeys) if the site is designated for consideration of such in this County Development Plan / future Local Area Plans<sup>2</sup> *if this is appropriate to the timing of the development proposal, viability and market demand* (<sup>2</sup>A taller building is defined as 6 stories or higher in the Urban Development and Building Heights – Guidelines for Planning Authorities (2018))

Comprise a mix of residential unit sizes and types which accommodate a range of living requirements for all age groups, for example, older people and families, and for people with disabilities *where appropriate*.

## Taller Buildings

34. Weavermay welcomes the recognition that its land, as part of Opportunity Site 2, is favoured for development. However, it is considered that detail within the Plan will add constraint to the land which will obstruct proposals from being realised. Strict adherence to national and regional policies seeking higher density and taller buildings in 'main towns will impact on Tullamore, as a Key Town. Indeed, it should be acknowledged that even in Dublin, it is recognised that tall buildings are not appropriate in all but few



locations and that the outer, more suburban locations are identified as 'low-rise'<sup>1</sup>. Weavermay is convinced that the requirement for taller buildings on Opportunity Site 2 will be a deterrent to development which would result in the land not being brought forward for development until the latter stages of the emerging Plan at the earliest. This would not be to the benefit of the town.

35. It is clear that planning permission was in place for high density development of larger scale at this site – it was not implemented as unviable. There have been no significant changes in circumstances since the previous owners of this site fell into administration and did not implement the permission. It remains a site suitable for appropriate development but not of a high density / taller building type. The Plan provides no justification why taller buildings would be appropriate on this site, nor that such development is viable and deliverable.
36. Weavermay supports the approach that taller buildings can be considered but considers this should not be an essential requirement. It is unclear how the requirement for additional assessment for opportunity sites contributes towards the earlier release of that site and the completion of development on that site. Full and detailed consideration should be given to the rationale for all development, and opportunity sites should not be singled out for tighter consideration and assessment. Weavermay objects to and requests the following changes :

Page 226 – 227, Chapter 7

While taller buildings will bring much needed additional housing and economic development, they can also assist in reinforcing and contributing to a sense of place within a town centre. In this manner, increased building height is a key factor in assisting modern place-making and improving the overall quality of our urban environment. *The Council will expect development proposals to include taller buildings only where this is appropriate in terms of townscape or where this will help deliver development. Applicants will be expected to demonstrate the positive aspects of taller buildings in the application documentation.*

The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) states that it would be appropriate to support the consideration of building heights of at least 6 storeys at street level. Taller buildings are advocated in the major towns identified for strategic development in the Regional Spatial and Economic Strategy: in Offaly's case this ~~is~~ *may be* Tullamore only, a designated Key Town. *Applicants for proposals including taller buildings shall demonstrate that the site* is suitable for taller buildings *and* shall meet the highest standards of architectural quality, urban design and place-making.

The following two sites in Tullamore are *open for consideration* to accommodate taller buildings based on the mix of adjacent building heights, the desire to have higher densities at these brownfield central locations and their extensive site sizes *although this is not an essential component of the development of the sites*. These two sites are also designated Opportunity Sites.

<sup>1</sup> <https://www.dublincity.ie/sites/default/files/content/Planning/DublinCityDevelopmentPlan/Written%20Statement%20Volume%201.pdf>

- Grand Canal Harbour site, Tullamore (Opportunity Site No. 1)
- Texas site, Tullamore (Opportunity Site No. 2)

Permitting taller buildings at these locations is dependent on assessment by the Planning Authority of the following documents prepared by a prospective applicant / applicant... etc.

RTCO-01 It is an objective of the Council to encourage the continued vitality and viability of town centres by:

- Identifying ~~and promoting~~ key town and village centre Opportunity Sites for development *and promoting their development through positive action including giving net economic gain paramount importance, granting retail development prime consideration in the assessment of development proposals and allowing reduced / no developer contribution towards development proposals*

#### Opportunity Sites / Taller Buildings

##### RP-11

It is Council policy to facilitate, promote and encourage the re-development of Opportunity Sites identified in Volume 1 and Volume 2 of the County Development Plan and Local Area Plans for appropriate development that contributes positively to the character of the settlement. ~~Any Proposals~~ brought forward on Opportunity Sites *which are demonstrated to be* ~~shall be~~ in accordance with the Development Principles for Opportunity Sites as set out in section 7.2.4 of the County Development Plan, ~~with~~ *through* the inclusion of an urban design statement and *concept* masterplan ~~and which shall demonstrate~~ the rationale for the proposal and how it will interact within its context and the wider urban area *will be given priority during the determination process and planning permission will be granted.*

RP-12 It is Council policy to consider the development of taller buildings on the 'Harbour site' and 'Texas site' in Tullamore as identified in Figure 7.8 of the County Development Plan, *although this is not an essential component of the development of the sites* and subject to assessment by the Planning Authority of the following documents prepared by a prospective applicant / applicant;

- A masterplan and local planning framework to deal with movement, public realm, and design;
- An urban design statement addressing aspects of impacts on the historic built environment;
- A specific design statement on the individual proposal from an architectural perspective;
- A visual impact assessment; and
- Daylight and shadow projection diagrams.

Page 342, Chapter 13

Chapter 7 of this Plan outlines two opportunity sites *in Tullamore* for which for taller buildings in accordance with Specific Planning Policy Requirement (SPPR) 1 of Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 are open for consideration and which supports Tullamore's role as a Key Town in the Eastern and Midland Regional Spatial and Economic Strategy (RSES). In accordance with SPPR 2-4 of these Guidelines, the development management standards require the applicant to demonstrate an appropriate mix of uses, comply with stated development management criteria from the Guidelines, achieve minimum densities and provide an adequate mix of building heights and typologies in relation to 'taller' buildings.

#### DMS-09 Building Heights

On sites deemed suitable for consideration of taller buildings as set out in Chapter 7 of this Plan, *should taller buildings be proposed the* planning applications shall include the following;

- A masterplan and urban design statement prepared by professionals with expertise in areas such as architecture, urban design, building ...etc

37. Weavermay has sought to bring forward its opportunity site, delay only being necessary due to the need to ensure that development is viable and that there are appropriate end-users. It is not possible to secure funding for development without both factors being present. Accordingly, Weavermay considers it counter-productive to introduce draconian measures to seek the redevelopment of sites. It, therefore, objects to RO-07, which it is requested is amended as follows :

RO-07 It is an objective of the Council as per the Urban Regeneration and Housing Act 2015 (as amended), to use site activation measures such as the Vacant Site Levy in specific areas to bring forward vacant or underutilised 'Residential Lands' and 'Regeneration Lands' ~~(which includes Opportunity Sites)~~ into beneficial use where considered necessary for renewal and regeneration

### Collaboration and Dialogue

38. The weakness of the Plan identifying the Opportunity Site 2 for taller buildings is exacerbated by the fact that it did not engage in dialogue with the landowners to understand if such development is viable and deliverable. This conflicts with stated objective plan the plan which is to have a collaborative approach. Without the support of any landowner, the plan's aims and objectives cannot be realised. Weavermay considers from experience, of owning or being associated with many development sites over the past 20 years, that the Council does not actively promote such a collaborative approach. It questions, therefore, the benefit of a statement which is unlikely to be realised. Weavermay would only support if amended as follows :

Section 7.2.7, Chapter 7

#### Collaboration

A collaborative approach between central government (funding), the local authority, semi-state bodies, the community, private sector and voluntary associations is required to successfully achieve the regeneration of areas. A joined-up approach is encouraged *but not essential* whereby landowners work together in amalgamating sites to bring forward a comprehensive and coherent development proposal.

Collaboration RP-13 *The Council recognises the need for development projects to be viable and it is Council policy to promote a collaborative approach between Offaly County Council, central government, semi-state bodies, the community, the private sector and voluntary associations to successfully achieve the regeneration **viable redevelopment** of areas.*

#### Other Issues

##### Transportation

39. The Traffic and Transport Assessment advice in the Plan requires a TTA for development proposals, and for retail proposals exceeding 1000 sq. m. Weavermay considers this unnecessary for such retail development within the town centre, as it potentially conflicts with the requirements for increased and high density development within town centres and a greater concentration of movement by modes other than the private car (page 222).
40. Weavermay also supports the focus on changes to journey types in the Plan, with a shift to walking and cycling. It considers that the plan should recognise that within the town centre, it may not be necessary to provide car parking to standards. Accordingly, Weavermay **objects** and requests the following changes :

Page 213, Chapter 7

A Traffic and Transport Assessment (TTA) must examine the traffic and transport impacts of a proposed development, incorporating any subsequent measures necessary to ensure roads and junctions and other transport infrastructure in the vicinity of the development are adequate to accommodate the proposed development without causing additional delays to existing and future road based traffic. A TTA is important in demonstrating how to encourage a shift towards sustainable travel modes by those using the retail development in question. The TTA must also address urban design impacts of the proposed public and private transport proposals. A TTA ~~will~~ **may** be required for retail developments over a threshold of 1,000sq.m. gross floorspace; and, at the discretion of the Planning Authority, a TTA may be required for retail developments below this threshold, *other than within Tullamore town centre.*

*Other than in Tullamore town centre or where it is demonstrated that sufficient car parking exists or can be provided, Offaly County Council may in lieu of shortfall of car parking spaces require the payment of a financial contribution under the Offaly County Council contribution scheme effective on the date of the grant of permission.*

#### High Amenity Areas

41. Weavermay supports the intentions of the plan to protect areas of High Amenity, including the Grand Canal and welcomes the statement that it is not the Plan's intention to 'Areas of High Amenity , BLP-32 'hinder appropriate sustainable levels of development' . However, it is a considered that the policy should recognise that within the urban area, and particularly town centre, the benefit of development to meet the wider aims of the Plan to secure a competitive and sustainable County that the balance must fall in favour of that development, where conflict exists. Accordingly, Weavermay requests the following changes to Policy BLP-33 and objective BLO-20:

BLP-33 It is Council policy, to ensure that issues of scale, siting, design and overall compatibility (including particular regard to environmental sensitivities) with a site's location within an Area of High Amenity are of paramount importance when assessing any application for planning permission, *unless the wider merits of each proposal indicate that the balance should fall in favour of development which achieves the wider objectives of the Plan to secure Tullamore as a key growth driver of the county and midland region. In all other cases, the merits of each proposal* will be examined on a case-by case basis.

#### Areas of High Amenity

BLO-20 It is an objective of the Council to ensure that new development, whether individually or cumulatively, does not impinge in any significant way on the character, integrity and distinctiveness of or the scenic value of the Areas of High Amenity listed in Table 4.18. New development in Areas of High Amenity shall not be permitted if it;

- Causes unacceptable visual harm;
- Introduces incongruous landscape elements; and
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness; (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns; (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

*Development which will facilitate securing Tullamore as a key growth driver will be considered an exception to this general presumption.*



## Conclusion

42. Weavermay welcomes the opportunity to participate in this plan making process and requests that its comments are taken into consideration. Overall, it supports the strategic intention to focus development towards Tullamore as the key town but considers the detail of the Plan will result in uncertainty, confusion and subsequent lack of investment in Tullamore as resources will be diverted to other towns with more favourable policy direction.
43. Weavermay requests the following amendments, as detailed above, which generally require :
- that the Core retail Area is deleted, and a town centre boundary included within the Town Plan
  - that requirement for taller buildings should not be imposed on any Opportunity Site and on this site in particular to ensure that a viable and sustainable development, as currently the subject of an extant planning application, can be delivered
  - that Plan is amended in part to ensure that it proactively directs resources and commits to positive consideration of development proposals which have economic benefit, and which will be delivered during the plan period.