

Planning Submission on Material Amendments to Draft Meath County Development Plan 2021- 2027

In respect of

**circa 11 ha Lands,
Rossan,
Adjacent and South of the Intersection of R401
Regional Road and M4 Motorway
Co. Meath**

Prepared by

ERMS PLANNING CONSULTANTS

On behalf of

Fiona Heslin

[Redacted]
[Redacted]



**Meath County Council, Planning Department,
Buvinda House,
Dublin Road, Navan,
County Meath
C15 Y291**

**Our Ref: ERMS 21-19
Your Re: Ref.**

29 June 2021

Dear, Sir/Madam

**RE: PLANNING SUBMISSION ON DRAFT MEATH COUNTY DEVELOPMENT
PLAN 2020-2026.**

1.0 INTRODUCTION

- 1.1 On behalf of our client Fiona Heslin, [REDACTED], [REDACTED], ERMS Planning and Development, hereby wish to make a Planning Submission, in accordance with the Planning and Development Acts 2000-2018, as Amended, on the Material Amendments to Draft Meath County Development Plan 2021-2027.
- 1.2 Our client and her [REDACTED] are landowners, farmers and business people from County Meath and Westmeath and have a long-term interest in local enterprise, development policy and policies applicable to her properties in the Rossan, County Meath area.
- 1.3 The subject-lands, "circa 11 ha Lands, Rossan, Adjacent and South of the Intersection of R401 Regional Road and M4 Motorway Co. Meath," consists of circa 11ha and is located at a strategic location on the southside of the M4, to the east of the M4 and M6 motorway junction, at the motorway junctions in lands within Meath County and located directly south of the Kinnegad Town.
- 1.4 The subject-lands is a highly strategic site, but currently unzoned.
- 1.5 Our client made a detailed submission on the Draft Meath County Development Plan, 2020-2026 in March 2020, with the submission reference number Submission No.: MH-C5-519, and listed in the Chief Executive Report under Chapter 3 – Settlement Strategy.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The subject-lands is strategically located along the M4 and currently unzoned agricultural lands under the draft Meath County Development Plan 2020-2026.
- 2.2 The spatial location of the subject-lands is at a highly strategic location along the M4 motorway on the eastern approach to Kinnegad Town, with the M4 and M6 physical road junction located to the west of the subject site, and both the M4 and M6 western approaches to the town located in the west.

- 2.3 The subject-lands is specifically located at the No.10 exit slip road, at the eastern approach and off ramp to Kinnegad Town, with the town's western approaches and off ramps being respectively on the M6, at the No.12 junction exit to the north west, and on the M4 at the No.2 junction exit to the west.
- 2.4 The subject-lands is located directly adjacent to the south of the M4 Motorway and the No.10 exit, where it consists of two large parcels of land named for the process of this report the "Lands North of R401" and the "Lands South of R401". The "Lands North of R401" is located between the No.10 exit slip road and the R401 regional road to Edenderry, with the "Lands South of R401" located opposite and on the southern side of the R401 Regional Road with the total area comprising circa 11ha.
- 2.5 The "Lands North of R401" is the restant parcels of land that has remained following the construction of the M4 motorway adjacent to the north, the No.10 exit slip road, and the existing R401 regional road. The "Lands South of R401" formed from the remaining field from the original construction of the R401 road and a minor road providing access along its eastern, southern and western boundaries to farmland and a peat mining factory adjacent to the west.
- 2.6 The land uses in the area consist of the M4 adjacent to the north, the M4/M6 physical junction to the west, the M6 to the west and M4 to Mullingar to the north west. Adjacent to the west is the No. 10 exits on and off ramps and roundabout road network junctions, while further to the north west is Kinnegad Town. Dividing the "Lands North of R401" and "Lands South of R401" is the R401 road to Edenderry On the "Lands North of R401" eastern boundary is two one-off houses, followed by an access road and farmland, while on the "Lands South of R401," there are also two one-off houses and a minor access road that lines the site boundary in the east, south and west and provides access to the mentioned peat mining factory, beyond which are farm and peat lands, to the west are a small grouping of one-off houses.
- 2.7 On the opposite side, northern side of the M4, is the old Kinnegad Road and a southern ring road for the town, along this road to the north west is a newly built Filling Station Food Court, for motorist travelling from the M6 west to east. Also, along this southern ring road are new Tesco's and Aldi stores showing new development moving towards the south and in proximity to the M4 motorway.
- 2.8 The subject-lands has a very high-road accessibility at both a national and regional scale. This high accessibility is realised through the east west linkage of the M4 to the M6, and the M4 extending further northwest and west. Access locally is through a complex network of motorway exits, roundabout-links and a motorway-bridge which specifically provides high accessibility to the lands from areas to the south and north of the motorway. This linkage is further enhanced by the local road network, which provides access to Edenderry in the south, Kinnegad in the north west and Clonard in the north east.
- 2.9 The subject-lands of circa 11 ha made up of the "Lands North of R401" is effectively a Brownfield site as the extant land between the constructed junction areas of a significant network of roads bounding the lands on all sides. The "Lands South of R401" is made up of a partial Brownfield area with its northern and western extents falling under the buffer areas of the formerly constructed road network, and the remainder being agricultural fields.



Fig. 2.9 –Site Location Map

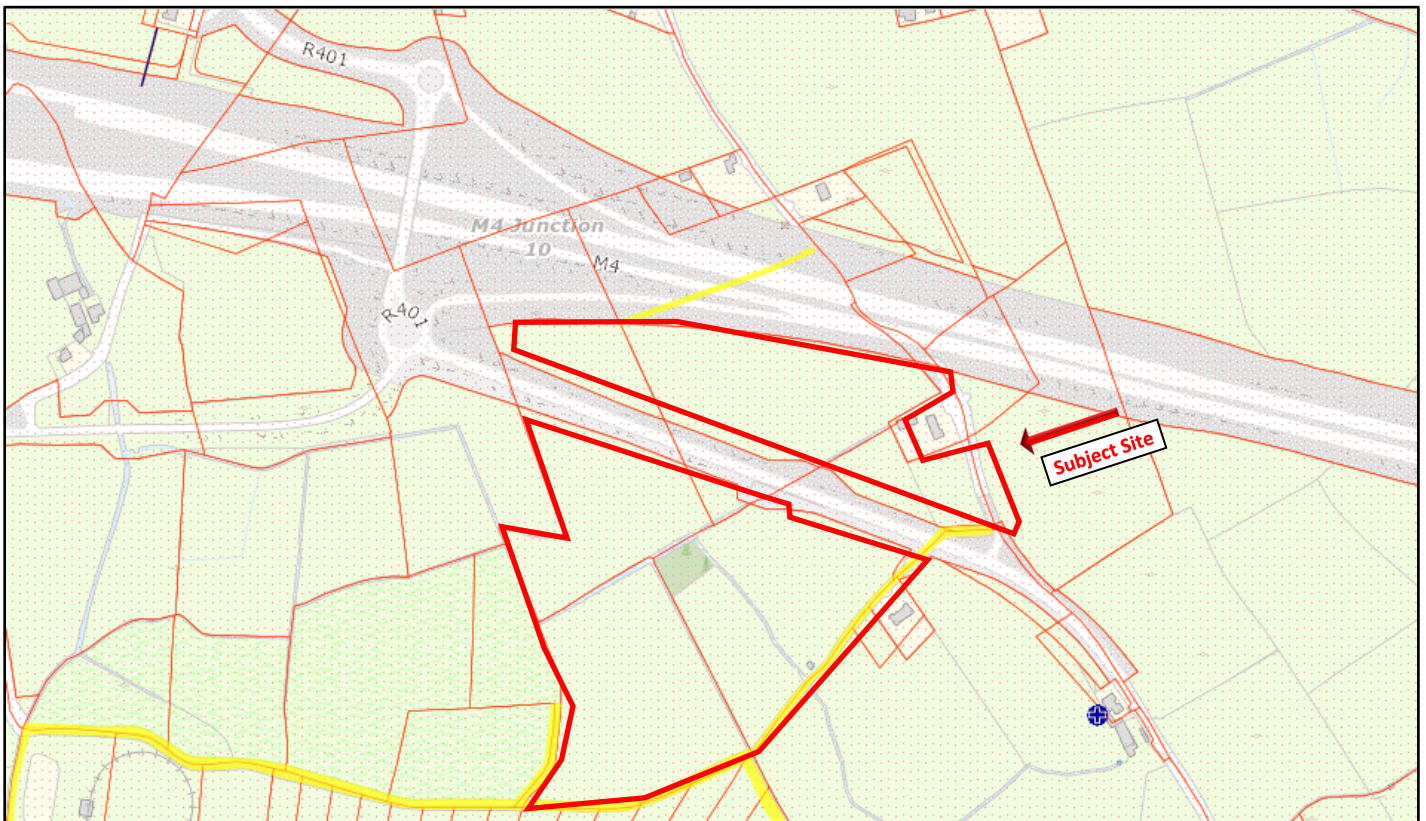


Fig. 2.10 –Site Location Map

3.0 DEVELOPMENT PLAN CONTEXT

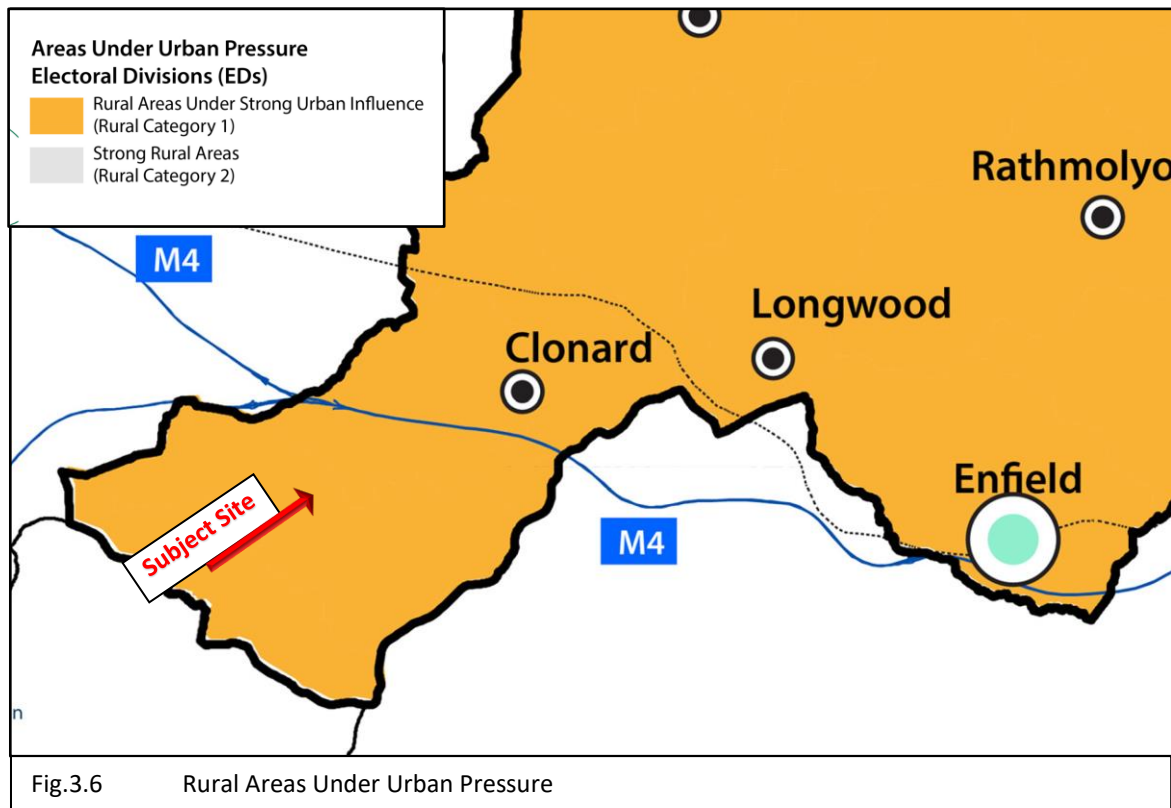
Draft Meath County Development Plan 2020-2026 and County Development Plan Review process

LANDUSE ZONING:

- 3.1 Under the Draft Meath County Development Plan 2020-2026, the subject-lands is currently un-zoned. The “Lands North of R401” is effectively an unzoned Brownfield site bounded on all sides by national and regional road infrastructure. The “Lands South of R401” un-zoned partial Brownfield bounded in the north and west by regional road infrastructure and partial agricultural fields.
- 3.2 Under the Draft Plan 2020-2026 reiterates the NPF 2040 objectives to support rural enterprise when it states,

“It is the policy of the NPF ‘to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the sustainable diversification of the rural economy into new sectors and in particular, those with a low or zero carbon output,” ” (4.11.1 Rural Enterprise, Volume I, Draft MCD 2020-2026, p.119).
- 3.3 Under the Draft Plan 2020-2026 also sets out specific support for rural enterprise directly under policy ED POL 16,

“ED POL 16: To support the location of a once off medium to large scale rural enterprise only in instances where it is demonstrated, to the satisfaction of the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and subject to standard development management considerations being applied” (4.11.1 Rural Enterprise, Volume I, Draft MCD 2020-2026, p.119).
- 3.4 Under the Draft Meath County Development Plan 2020-2026, the subject-lands is zoned, Rural Area(RA) Objective: *“To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.”*
- 3.5 The zoning designation is further categorised and based on population densities, population change, commuting patterns as follows,
 - *Rural Housing Category 1: Rural Areas Under Strong Urban Influence*
 - *Rural Housing Category 2: Strong Rural Areas*
- 3.6 The subject-lands fall under the Rural Housing Category 1 category, these areas are characterised by a rapidly rising rural population, a significant proportion of which are commuting outside of the County for work. The County’s outbound commuting rates are the highest in the Country, and it is a key tenet of the Council’s Economic Strategy to address this issue with the creation of ‘live work’ communities in suitable locations within the County.



- 3.7 In the draft plan the definition of TU Transport & Utilities is noted for how it relates to landuse and associated land use related to transport infrastructure, when defined as TU Transport & Utilities: *“To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas, and telecommunications infrastructure.”*
- 3.8 The draft County Development Plan also indicates under section “Roads Infrastructure” support for roads and associated land uses,
- “MOV OBJ 59: To require the provision of HGV parking facilities at on-line motorway service areas, petrol filling stations and other appropriate locations within the County in accordance with relevant planning guidelines and government policy”, (Section 5.11 Freight, Volume I, Draft MCD 2020-2026, p.180).*
- and
- “DM POL 27: Proposals for petrol filling stations in close proximity to the National Road Network shall have regard to the ‘Spatial Planning and National Roads Guidelines for Planning Authorities’, Department of Environment Community and Local Government, 2012 and the Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979 to 2010 (or any such other relevant standards and legislation that may be enacted)” (Section 11.8.1.4 Service Stations, Volume I, Draft MCD 2020-2026, p.402).*
- 3.9 Under the Draft Plan 2020-2026’s zoning matrix, the mentioned zoning provides for the following Permitted Uses and Open for Consideration Uses under TU and RA Zonings.

<p>TU Transport and Utility Infrastructure</p> <p>Objective: To provide for necessary community, social, and educational facilities.</p>	<p>These lands have been identified to provide for essential public infrastructure. The nature of these facilities is such that the use of the lands is dedicated to the provision and maintenance of this infrastructure. It is acknowledged however that there are instances where additional uses may be appropriate. This would primarily relate to rail stations and park and ride facilities close to or within town centres where additional commercial uses may be acceptable. Applications for a commercial/mixed use on such lands will be assessed on a case by case basis and will be required to demonstrate that such a use would be compatible to the location and would not undermine the primary use of the land which is to provide essential infrastructure and services.</p>		
<p>RA Rural Areas</p> <p>Objective: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.</p>	<p>The primary objective is to protect and promote the value and future sustainability of rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.</p>	<p>Agriculture, Agricultural Buildings, Agri-Tourism, Boarding Kennels²⁸, Burial Grounds, Extractive Industry/Quarrying, Equestrian, Farm Shop²⁹, Forestry related activities, Horticulture, Caravan and Camping Park³⁰, Golf Course, Open Space, Research and Development³¹, Residential³², Restaurant/ Cafe³³, Sustainable Energy Installations, Utility Structures.</p>	<p>Community Facility, Cultural Facility, Education, Garden Centre, Micro Businesses³⁴, Playing Fields, Recreational Facility, Sports Club, Telecommunication Structures, Workshop³⁵, Veterinary Clinic.</p>

Fig. 3.9— Extract from and Use Zoning Categories, Draft Meath County Development Plan 2020-2026

COUNTY DEVELOPMENT PLAN REVIEW PROCESS

3.10 Our client made a submission under the “Stage 2 – Draft” of the County Development Plan Review process in March 2020, when the council process consisted of:

- The Public Display of Draft Plan: under which our client made a submission;
- followed by the Chief Executive’s Report on Public Submissions, in which the chief executive considered our client’s submission, and which are referenced in more detail below;
- Consideration of Chief Executive’s Report by Members; and
- Prepare Amendments to Draft Development Plan

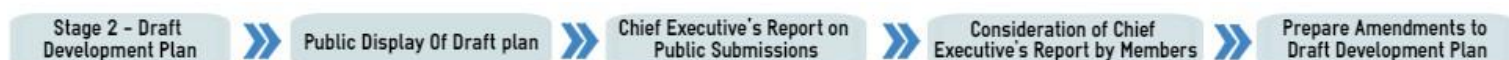


Fig. 3.10– Extract from Draft Meath County Development Plan 2020-2026 website,
<http://countydevelopmentplanreview.meath.ie/stage-2-overview/>

3.11 The county development plan process are now in “Stage 3 – Amendments” stage, consisting, Public Display of Amendments to Draft Plan from Monday 31st May to Tuesday 29th June 2021, followed by the Chief Executive’s Report Prepared on Public Submissions, Consideration of Chief Executive’s Report and the Adoption of Plan.



Fig. 3.11– Extract from Draft Meath County Development Plan 2020-2026 website,
<http://countydevelopmentplanreview.meath.ie/stage-2-overview/>

STAGE 2 – DRAFT: CHIEF EXECUTIVE’S REPORT ON PUBLIC SUBMISSIONS

- 3.12 The council's Chief Executive Officer issued a Chief Executive’s Report on Public Submissions, and reference Fiona Heslin’s, Submission No. MH-C5-519, March 2020 in the report’s volumes “BOOK 2 Submissions on respective Chapters 2 – 1” and in Appendix A (No. 1) Total Submissions Received on Draft Meath County Development Plan 2021-2027.
- 3.13 Chief Executive report in relation the Fiona Heslin’s, Submission No. MH-C5-519, March 2020 as indicate below:

Submission No.:	MH-C5-519
Submitted by:	Fiona Heslin
Submission Theme(s):	Chapter 3 – Settlement Strategy
Summary of Submission:	
This submission relates to Kinnegad and requests the following:	
<ol style="list-style-type: none"> 1. It is proposed that the subject-lands’ “Lands South of R401” site, be recognised and identified “light industrial park or logistics distribution park or depot” and be considered for zoning for a national transport related utilities use. 2. It is proposed that the subject lands as a whole be zoned for as “TU Transport & Utilities: “To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas, and telecommunications infrastructure.” To facilitate both the use of the lands for “on-line motorway service areas” and/or for “light industrial park or logistics distribution park or depot”. 3. It is proposed that a locational specific zoning objective or a spot objective be added to the County Development Plan, to indicate the potential future use of a portion of the Subject-lands” Lands North of R401” site as an “on-line motorway service area.” 	
Chief Executive’s Response	
<p>No part of Kinnegad town is included in the boundary of County Meath as the development of the town has occurred to the north/west of the Kinnegad River which is the boundary between Meath and Westmeath County Council. As such it is not considered appropriate to designate Kinnegad as a settlement in the Draft Plan or to zone the lands sought.</p> <p>Furthermore, the identification of on line motorway locations would have to be agreed with Transport Infrastructure Ireland and as such it is not considered appropriate to provide a spot objective for same or zone the subject lands as requested. It should also be noted that the</p>	
zoning of any land in this location would have to be agreed with Westmeath County council and as such it is not possible to amend the lands in this case.	
Chief Executive’s Recommendation	
No change recommended.	
Fig. 3.13– Extract from Chief Executive’s Report “BOOK 2 Submissions on respective Chapters 2 – 1” 2020-2026, p.50	

3.14.0 It council's chief executive report response, states

"No part of Kinnegad town is included in the boundary of County Meath as the development of the town has occurred to the north/west of the Kinnegad River which is the boundary between Meath and Westmeath County Council. As such it is not considered appropriate to designate Kinnegad as a settlement in the Draft Plan or to zone the lands sought."

3.14.1 It is submitted that this statement by the council is wholly inadequate from a spatial planning and land use perspective as it fails to recognise the concept of the environs of a town. This is in stark contrast to the country-wide approach by numerous councils where a specific town's local-area plan may fall into one county but where the land use and economic environs of the same town fall in another county, and that these areas are then subsequently recognised under an Environs Local Area Plan for the settlement.

3.14.2 It is very apparent from a land use point of view that there are increasingly growth, new developments and new residential and commercial planning permissions directly located within County Meath in the spatial, economic and land use influence sphere of Kinnegad town, i.e. the Environs of Kinnegad Town. This is clearly illustrated by the concentration of planning applications and planning history applications outside, east and south east, of the boundaries of Westmeath County and Kinnegad's historical town as indicated by the encircled clusters (in orange oval lines) of land use development.

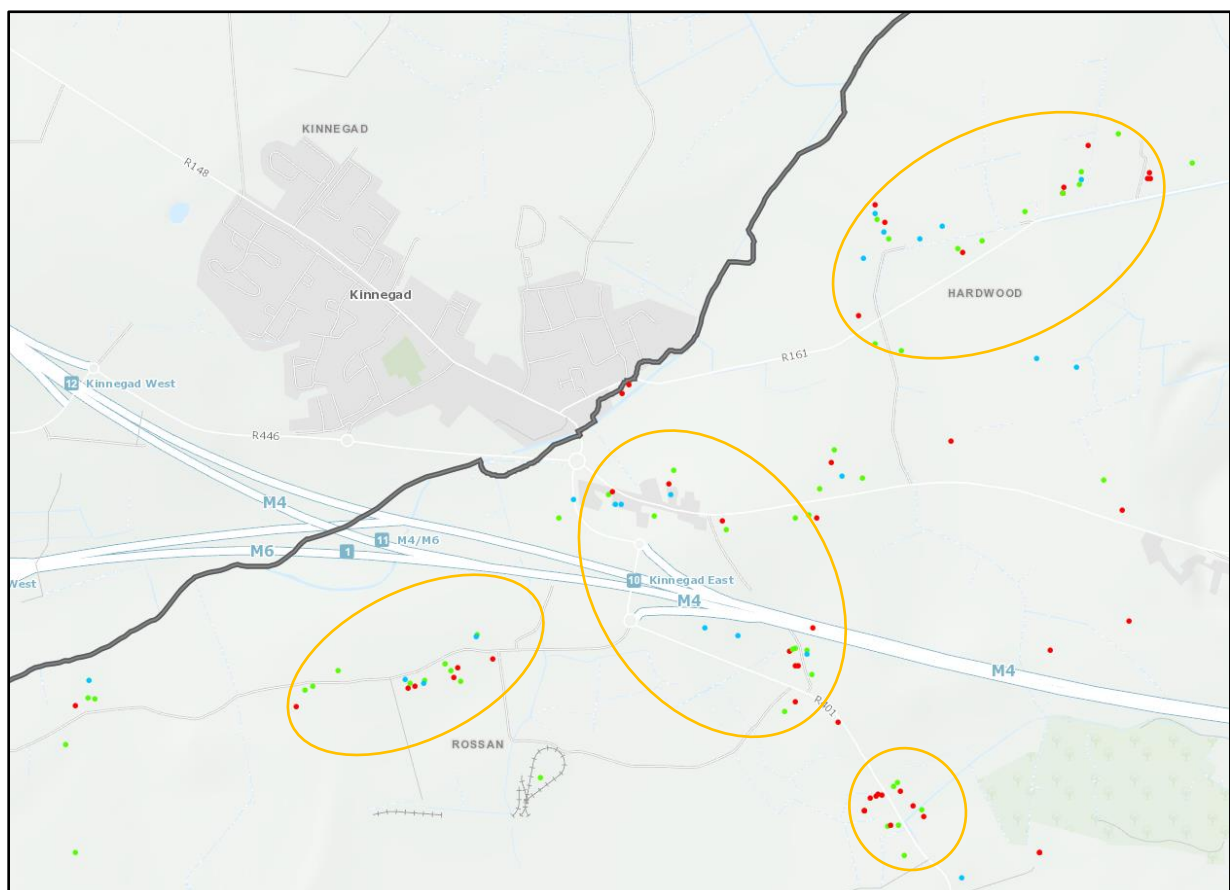


Fig. 3.14.2— Planning Application cluster and concentration in Meath County, in the Environs of Kinnegad town. Note: Orange Ovals inserted to dictate planning applications and land use spatial concentration under the economic influence of Kinnegad Town

(mapping base source: Meath County Council: E-plan Maps)

3.14.3 This spatial land use concentration is further confirmed when one observed a slightly more zoomed out spatial map of the Rossan townland area, east of Kinnegad Town, when a clearly distinguished land use cluster is visible east and southeast of the town at the northern junction of the M4.

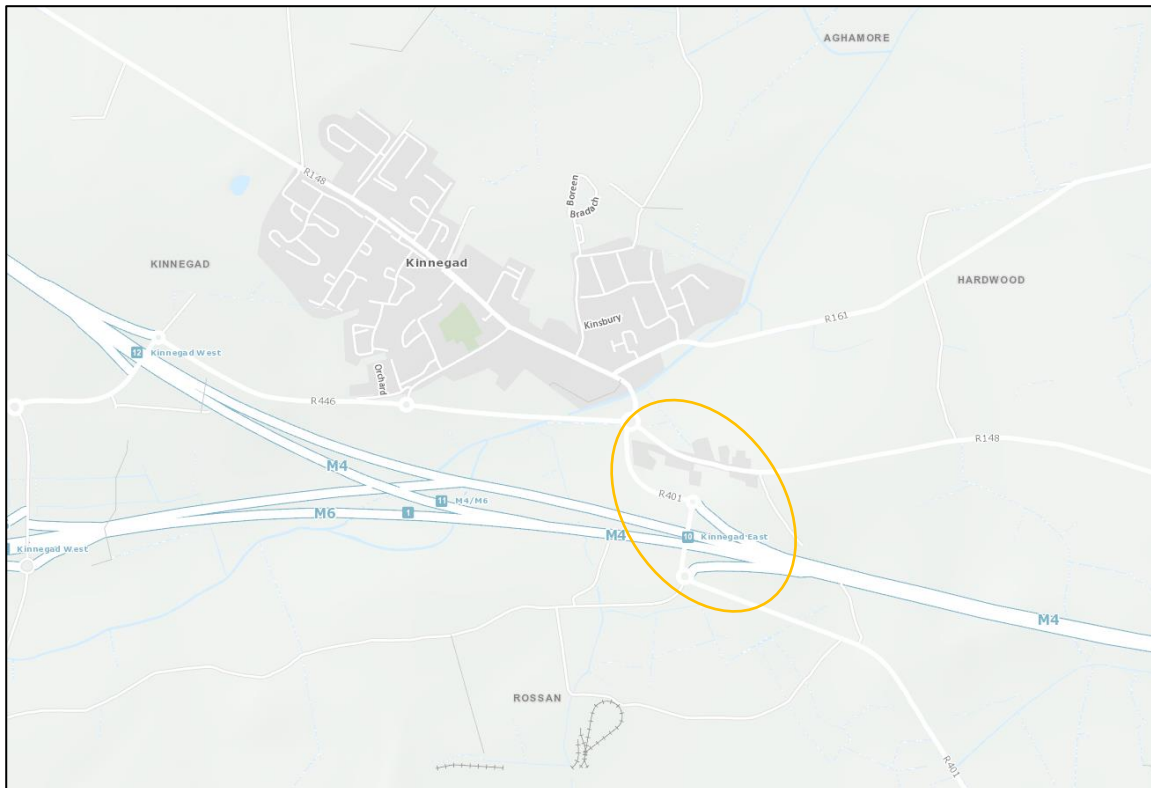


Fig. 3.14.3— Land use cluster and concentration in Meath County, in the Environs of Kinnegad town. Note: Orange Oval inserted indicate the land use spatial concentration to the southeast at the infrastructure junctions and under the economic and spatial influence of Kinnegad town.
(mapping base source: <http://map.geohive.ie/>)

3.14.4 This spatial land use concentration is further confirmed when one look at a recent aerial photograph(see below) of the Rossan townland area, east of Kinnegad Town, when a clearly distinguished land use cluster is visible east and southeast of the town at the northern junction of the M1. This land use trend is strongly confirmed to the northwest of Rossan, on the north side of the M4 and M6 crossing point in county Westmeath where the large Kinnegad Plaza as recently been constructed.

3.14.5 It is submitted that the Kinnegad Plaza development is a significant missed opportunity for Meath County, as it is exactly the lack of zoning objectives, lack of recognition and an Environs Local Area Plan that has led to a scenario where the County Meath environs were less economically competitive and where a development that could have been located in Meath is now instead located in Westmeath. This should not be repeated in future and the economic and spatial pressure that is places at major national junction located within the environs of a local town should be recognised as it is entirely predictable from a spatial planning scientific point of view that this point of high accessibility at Rossan will develop from a land use point of view at a future point. The council is a position to direct, time and lead development that is inevitable for this location, and they should do so in the interest of the county and the local community and in the execution of their function to lead development through planning and development policy.



Fig. 3.14.5— Areal photo confirming Land use cluster and concentration in Meath County, in the Environs of Kinnegad town and indicate the new large Kinnegad Plaza development locate north of the crossing point of the M4 and M6

Note: Orange Oval inserted indicate the land use spatial concentration and the red oval the new Kinnegad Plaza development in Westmeath located at a less accessible road junction than Rossan.

(mapping base source: <https://www.google.com/maps/@53.452731,-7.1068235,778m/data=!3m1!1e3>)

3.15.0 It council's chief executive report response, states further:

"Furthermore, the identification of on line motorway locations would have to be agreed with Transport Infrastructure Ireland, and as such it is not considered appropriate to provide a spot objective for same or zone the subject lands as requested."

3.15.1 The council's argument that they are unable to zone land because it is subject to Transport Infrastructure agreement, is rejected. Its is submitted that the Transport Infrastructure is a statutory body and therefor a statutory consultee to the Draft Meath County Development Plan and as such are legally required to make submission on the draft plan and would have the full opportunity to make submissions, seek agreement and consensus as to their own land use interest and are not a legal statutory planning obstacle to Meath County Councilor Members to propose and assign zoning under their statutory function to "make" the plan. It is submitted that it is entirely appropriate for a council to assign Sport Zoning if there are planning and environmental merits for if, and that it falls entirely within their legal remit to make the plan to do, so notwithstanding the important input that the Transport Infrastructure department can make as a statutory submission on the draft county development plan.

3.15.2 In this context the council is urged to consider the clear planning, spatial planning and land use merit that exist for the subject lands and to provide policy, spot zoning or zoning to zone this land appropriately.

3.16.0 It council's chief executive report response, states further:

"It should also be noted that the zoning of any land in this location would have to be agreed with Westmeath County Council and as such it is not possible to amend the lands in this case".

3.16.1 The council's argument that they are unable to zone land because it is subject to be agreed with Westmeath County council, is rejected. It is submitted that the planning and development act 2000-2019 makes direct provision for the making of a county development plan policies where on the boundary of two county council jurisdictions. The Planning Act mandates and obliges the lead council, the council responsible for the county developing plan process, to consult and agree with the adjoining county council as to what the development policies, what the zoning or spot zoning objectives should be for land influenced by the adjoining council lands and jurisdictional area.

3.16.2 It is submitted that the location of lands on the boundary of another county council jurisdiction in no way is an impediment or legal restriction for Meath County Council to develop appropriate development policy, zoning or spot zoning, but the need to consult and cooperate with the adjoining council are mandated by the Planning and Development Act 2000-2019 and should be done instead of being used as an excuse not to zone land.

3.16.3 It is submitted that the council includes a strategic policy in the final Meath CDP that a Joint Spatial Plan (Local Area Plan) will be developed with Westmeath County Council and Meath County Council that include the Rossan area, Kinnegad Environs and Kinnegad Town similar to the 06 Joint Carlow Graiguecullen Plan 2012-2018 (Correct and Updated) for Carlow County Council and Laois County Council and many other examples country wide.

4.0 PROPOSED POLICY AND ZONING AMENDMENTS

- 4.1 It is proposed and subject to provision Ref. Submission No. MH-C5-519 that the council reconsidered the current position and that the subject-lands' "Lands South of R401" site, be recognised and identified as "light industrial park or logistics distribution park or depot" and be considered for zoning for a national transport related utilities use.
 - 4.2 It is proposed that the subject-lands be zoned as "TU Transport & Utilities: *"To provide for essential transport and public utilities and infrastructure including rail stations, park and ride facilities, water and waste water infrastructure, electricity, gas, and telecommunications infrastructure."* To facilitate both the use of the lands for "on-line motorway service areas" and/or for "light industrial park or logistics distribution park or depot".
 - 4.3 It is proposed that a locational specific zoning objective or a spot objective be added to the County Development Plan, to indicate the potential future use of a portion of the Subject-lands "Lands North of R401" site as an "on-line motorway service area." .
 - 4.4 It is proposed that the council includes a strategic policy in the final Meath CDP that a Joint Spatial Plan (Local Area Plan) will be developed with Westmeath County Council and Meath County Council that include the Rossan area, Kinnegad Environs and Kinnegad Town similar to the 06 Joint Carlow Graiguecullen Plan 2012-2018 (Correct and Updated) for Carlow County Council and Laois County Council and many other examples country wide.
-