

Senior Executive Officer
Planning Department
Meath County Council
Buvinda House
Dublin Road
Navan
Co. Meath
C15 Y291

29 June, 2021

Re: Proposed Material Alteration to the Draft Meath County Development Plan 2021-2027

Dear Sirs,

I submit that the A1 "Existing Residential" zoning on my lands in Ashbourne situate at the edge of the Millbourne Estate be retained, and that the proposal to change the zoning to F1 "Open Space" be abandoned. I enclose a copy of the planning report dated 29 June 2021 prepared by KPMG Future Analytics for the purposes of this Submission.

The recommendation that my land be rezoned appears to have been made for two reasons:

1. Millbourne residents have been demanding that Meath County Council do something about the provision of open space on my land, and
2. in June 2020, Meath County Council decided to refuse permission for residential development on my land.

Reason 1 - Demands of Millbourne Residents

Please note the following:

- (a) The land belongs to me. It is not public open space.
- (b) I have not, do not and will not permit my land to be used by the residents of Millbourne Estate.
- (c) My land is not part of Millbourne Estate; neither is it an undeveloped piece of land within that estate.
- (d) My land has the benefit of an extant planning permission (this appears to have been inadequately considered).

Accordingly, rezoning my land to meet the demands of the residents who demand my land be provided for public open space is flawed and pointless.

Reason 2 - June 2020 Decision of Meath - AA 190862

On 2 June, 2020 Meath County Council refused planning permission for residential development on my land, solely on the open space point. I appealed this decision – notification of the appeal was received by Meath on 7 July. On 31 July, Meath wrote to An Bord Pleanála (“ABP”) asking that the refusal be upheld, and on 11 September 2020, planning permission was granted by ABP. In doing so, ABP robustly addressed the reason that Meath refused to grant planning permission on my land. Accordingly, this reason to rezone is also flawed and not sound.

In 2015, my land was zoned residential by Meath and since then Meath granted permission for residential development on it. The evidence before me suggests that if Meath County Council looks beyond the pressure being brought to bear by the residents of Millbourne Estate, Meath County Council will see it must continue to support the delivery of housing on my land. In my opinion, to do otherwise will not be rational or reasonable.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ryan', written in a cursive style.

Michael Ryan



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Planning Department
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Navan
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C15 Y291

29 June 2021

Re: Submission to the material alterations stage of the *Draft Meath County Council Development 2021–2027*, relating to lands at Millbourne, Ashbourne.

Dear Sir or Madam,

KPMG Future Analytics of 1 Stokes Place, St Stephen's Green, Dublin 2, D02 DE03 have been appointed by Mr Michael Ryan of 6 Argus House, Greenmount Office Park, Harold's Cross, Dublin 6W to prepare and submit this submission to the material alterations stage of the *Draft Meath County Council Development 2021–2027*.

Specifically, this submission relates to a site (approximately 0.5ha) located to the immediate south-east of the Millbourne housing estate in Ashbourne, Co. Meath. Mr Ryan is respectfully requesting that **the subject site, which has been rezoned from 'A1 Existing Residential' to 'F1 Open Space' at this material alterations stage, revert to its 'A1 Existing Residential' zoning, per the current *Meath County Development Plan 2013–2019* and the originally prepared *Draft Meath County Council Development 2021–2027*.**

1.0 Location of Subject Site

For absolute clarity, the site has an area of approximately 0.5 ha and is located to the immediate south-east of the Millbourne housing estate; bound to the north by Millbourne Drive. The site context and site location images in Figures 1 and 2 indicate its location and extent.

Seamus Hand • Marie Armstrong • Darina Barrett • Cillein Barry • James Black • Alan Boyne • Brian Brennan • Alan Bromell • Gareth Bryan
Patricia Carroll • James Casey • Neil Casey • Brian Clavin • Jim Clery • Colm Clifford • Kevin Cohen • Mark Collins • Ivor Conlon
Michele Connolly • John Corrigan • Hubert Crehan • Killian Croke • Camilla Cullinane • Brian Daly • Michael Daughton • Cormac Deady
Eamon Dillon • Paul Dobey • Robert Dowley • David Duffy • Brian Egan • Nancy Fallon • Patrick Farrell • Jorge Fernandez Revilla
Damien Flanagan • Caroline Flynn • Andrew Gallagher • Frank Gannon • Orla Gavin • Michael Gibbons • Roger Gillespie • Colm Gorman
Johnny Hanna • Ken Hardy • Michael Hayes • Selwyn Hearn • Brian Kane • Declan Keane • Gillian Kelly • James Kelly • David Kennedy
Jonathan Lew • Owen Lewis • Carmel Logan • Liam Lynch • Olivia Lynch • Tim Lynch • Ryan McCarthy • Shane McCarthy
Tom McEvoy • Emer McGrath • Caoimhe McLoughlin • Liam McNally • Niamh Marshall • David Meagher • Dani Michaux • David Moran
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Conor O'Sullivan • John Poole • Eoghan Quigley • Vincent Reilly • Glenn Reynolds • Eamonn Richardson • Colm Rogers • Eamonn Russell
Niall Savage • Anna Scally • Mathew Scott • Gavin Sheehan • Russell Smyth • Donal Thomas • Paul Toner • Kieran Wallace • Keith Watt
David Wilkinson • Tom Woods

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Figure 1: Subject site location in Ashbourne.

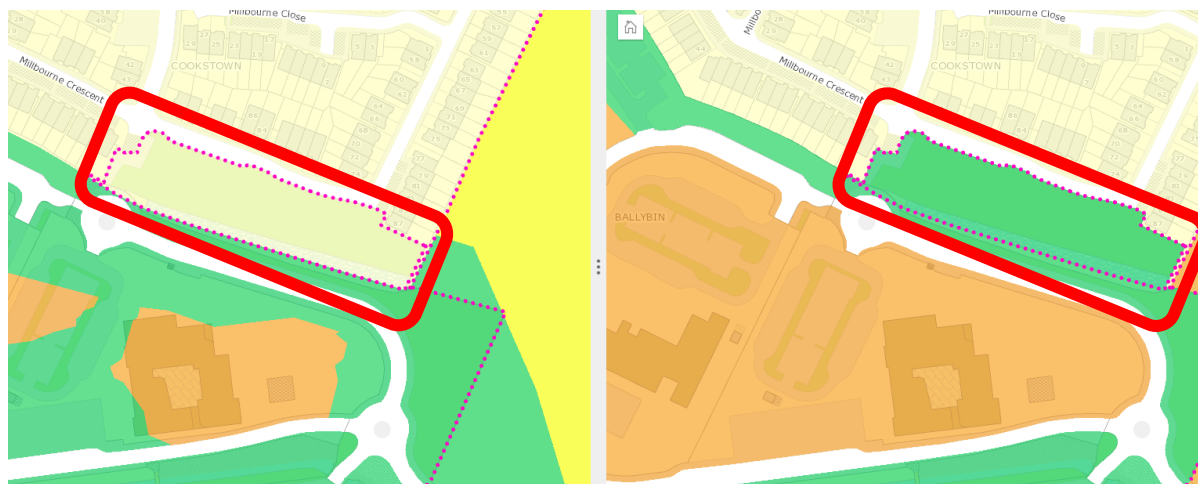


Figure 2: Specific subject site location and extent.

2.0 Proposed Change to the Subject Site's Land-Use Zoning

The subject site is currently zoned by the *Meath County Development Plan 2013–2019* as 'A1 – Existing Residential', and this was appropriately retained in the originally prepared *Draft Meath County Council Development 2021–2027*.

However, it is now proposed at the material alterations stage to rezone the site as 'F1 – Open Space'. This is demonstrated in the mapping available on Meath County Council's website and extracted in Figures 3 and 4 below.



Figures 3 and 4: Subject site originally zoned as 'A1 – Existing Residential' in the *Draft Meath County Council Development 2021–2027*, and then altered to 'F1 – Open Space' at materials alterations stage.

3.0 Principles for Reverting to the 'A1 – Existing Residential' Land-Use Zoning

3.1 Permitted Residential Development at the Subject Site

In the first instance, it should be noted that in accordance with the existing land-use zoning designation, a planning application for a residential development has been permitted at the subject site by An Bord Pleanála in recent months (MCC Reg. Ref. AA/190862, ABP Reg. Ref. 307457).

Therefore, there is a sound and reasonable basis for retaining this land-use zoning designation at the subject site to avoid 'non-conforming uses' being delivered thereat and the resulting conflict between realised uses and land-use zoning designations. The wording of the *Draft Meath County Council Development 2021–2027* indicates that such uses then become uncertain on-site, without the benefit of an appropriately defined land-use zoning:

“There are instances across the County of established uses that do not conform to the zoning objective for the particular location. Any proposals for the expansion, improvement, or alteration of such uses will be considered on their merits.”

The timing of the above-mentioned grant of planning permission at the subject site is also vitally important to highlight in the context of the Council's zoning of land which secures the benefit of planning permission during the Development Plan review process. An Bord Pleanála granted planning permission for the above-mentioned development on 11 September 2020. However, it is noted that following submissions received on the Draft Development Plan, the Chief Executive recommended to “Rezone lands in Millbourne Estate from A1 'Existing Residential' to F1 'Open Space'...” and this was accepted by Council vote on 23 November 2020, **two months after the grant of planning permission**. Should this rezoning be retained in the final *Draft Meath County Council Development 2021–2027*, it will result in non-conforming uses, as highlighted above.

The Chief Executive's reasoning in this instance (Millbourne) is in marked contrast with that employed in respect of a broadly similar issue at a site in Duleek, as identified by Councillor McKee in Notice of Motion (NoM) 158. In NOM 158, Councillor McKee sought to have the land-use zoning of a particular site changed from rural to 'A1 Existing Residential'. In reviewing this NoM, the Chief Executive initially recommended "No Change". However, per the Special Planning Meeting minutes from 06 February 2021, as planning permission had been granted in the "intervening period after the NoM book was published", the Chief Executive's recommendation for "No Change" was to be altered to accept NoM 158. This was then agreed by 24 Council members, with none opposing the recommendation.

Consequently, based on (1) the granting of planning permission for residential development at the subject site, (2) the similarities with the Duleek site referenced above and the precedent identified and (3) the benefit of avoiding the creation of non-conforming uses, **the land-use zoning of the subject site at Millbourne should revert to the appropriately designated 'A1 Existing Residential'.**

3.2 Planned Provision of Open Space

The planning history at the subject site is long and detailed, and its summation is neither relevant nor appropriate at this juncture. However, there are a few important observations to make in light of the Council's assertion relating to the need to provide open space at the subject site.

The planning permission for residential development Reg. Ref. DA/30422 was permitted on the basis of the *Meath County Development Plan 2001* and the *Killegland/West Ashbourne Action Area Plan* (AAP). The AAP specifically indicated that the public open space for the residential development at Millbourne would be provided as part of other developments on adjacent lands.

In relation to this matter, the Planner's Report for Reg. Ref. DA/30422 stated: "This development is reliant on the open space to be provided by others along the Broadmeadow River to the south of the site to provide public open space to serve the scheme." The Report continued, concluding that this "...accords with the layout as indicated in the AAP."

Therefore, it was never intended during the plan-making or planning application processes for the subject site to be used as long-term public open space, with open space for the Millbourne housing estate to be provided on adjacent lands. This is further evidenced by the Council altering the land-use zoning of the subject site from 'G1 Community Infrastructure / Facilities' to 'A1 Existing Residential' by way of Variation No. 1 to the then adopted *Ashbourne Local Area Plan 2009–2015*. (Vitality, this would have coincided with the realisation that the lands were no longer required for school development.)

Recognising the above observations, the Council is referred to Figure 5 and Table 1, below. The Figure and Table summarise an assessment of open space lands (including zoned open space lands and sports grounds) within 500m of the subject site – i.e. its immediate environs. **They demonstrate that 19.0ha – 24.2% of the total area within 500m – of these lands is available as open space.** Even with the exclusion of sports grounds, the area of 12.21ha open space provision – 15.5% of the total area within 500m – still exceeds the currently applied standard of 15% open space set by the Council. Therefore, in line with the intended open space strategy for the area in the *Meath County Development Plan 2001* and the AAP when Reg. Ref. DA/30422 was granted planning permission, significant areas of open space are available. These are comprised of formal sports pitches, 'formal' public open space areas, *ad hoc* open space areas and public parks (delivered and forthcoming).



Figure 5: Open space within (and adjacent to) the immediate environs of the subject site.

Table 1: Area and percentage of land as public open space and sports grounds with 500m of the subject site.

Space	Area (ha)	Percentage of Area Within 500m
Public Open Space	12.21	15.5%
Sports Grounds	6.79	8.6%
Total Open Space	19.00	24.2%
Total Within 500m of the Subject Site	78.54	100.0%

The **retroactive application of a contemporary 15% public open space standard** (set by the current *Meath Count Development Plan 2013–2019*) solely to the Millbourne housing estate would be regressive and **contrary to the principles of the plans in place at the time, which informed the design, planning and development of the estate and wider area.**

Furthermore, the rezoning of the subject site as 'F1 Open Space' would penalise the owner on the basis that **it would contradict the spirit and basic fundamentals of the Reg. Ref. DA/30422 application which only ever intended for the subject site to be used as "temporary open space" (see below).**

3.3 Historic Planning Application Matters

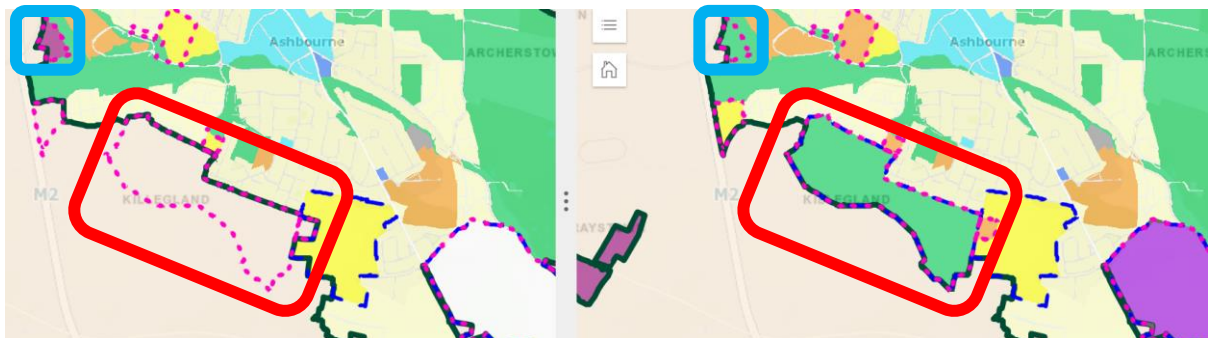
As highlighted above, there is a long and detailed planning history for the subject site. A key aspect of this, and the subsequent identification of uses at the site, is that the development proposed under Reg. Ref. DA/30422 did not originally intend to include the subject site within its site area. The subject site was indirectly introduced into the development at further information stage.

The request for further information and grant of planning permission required the subject site's incorporation into the residential development as ***“temporary open space until strategic lands become available or acquired by the Department of Education or other as a school site” [emphasis added]***. Therefore, it bound the site for use as open space until one or both of these criteria were met, or a planning application superseded them.

It is firmly asserted that the recent granting of planning permission for MCC Reg. Ref. AA/190862 (ABP Reg. Ref. 307457) resulted in the superseding of these requirements.

However, notwithstanding this, the two criteria are now considered to have been met or the site absolved of its role in supporting them, as detailed below.

The *“strategic lands”*, understood to be a notable swathe of public open space for the town/area, have now been identified and committed to by Meath County Council. Following receipt of a suite of submissions from the public and NoMs 34 and 111, the Council has proposed to rezone a substantial area of 35 hectares from 'RA Rural Area' to 'F1 Open Space' for the provision of a public park for the town (Figures 6 and 7). This is considered to be an important addition and benefit for the town, and is complemented by a further rezoning of approximately 6.2ha from 'E2 General Enterprise and Employment' to 'F1 Open Space' (Figure 6 and 7 also)



Figures 6 and 7: Lands now to be zoned as 'F1 Open Space' to accommodate the provision of a 35-hectare park (bound in red) and 6.2ha to be rezoned as 'F1 Open Space' for GAA use (bound in blue) in Ashbourne by way of material alterations to the *Draft Meath County Council Development 2021–2027*.

Bolstering the identification and zoning of lands for a parkland area, the Chief Executive's response to a considerable number of submissions combined under 'Group Submission no. 2 Ashbourne Public Park' was positive and indicated the Council's further commitment to **completing** the town's linear park, which is in the immediate environs of the subject site:

*“Notwithstanding the above, it is noteworthy also, that **the proposed new park will supplement the Ashbourne Linear Park** which runs along the route Broadmeadow River to the south of Ashbourne. **A specific objective is included in the Draft Plan to***

complete the Linear Park ASH OBJ 18 refers. Stage 4 of the Linear Town Park was opened in October 2019. It is intended to progress the delivery of the skatepark in 2020. It is hoped to commence Part 8 planning procedures in Q3 of 2020 in this regard with the procurement process to take place thereafter.

The development of the remainder of the Linear Park is dependent on financial resources becoming available. ***In support of this, the Council has sought funding (May 2020) through the Urban Regeneration Development Fund to complete the phases 3, 6 and 7 and extend the Linear Park.*** ***[emphasis added]***

For clarity, ASH OBJ 18 states that it is an objective of the Council:

“To support the completion of the Linear Park running along the Broadmeadow River from Ashbourne Golf Club to the Ashbourne Education Campus, subject to the availability of funding.”

With respect to the site being *“acquired by the Department of Education or other as a school site”*, this is recognised as no longer being relevant, required or possible given the development of the school campus to the south and the now reduced area of the site. Furthermore, the need for its use for the development of a school is considered to have been waived following:

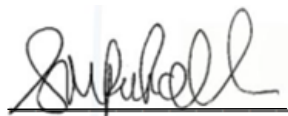
1. MCC’s rezoning of the site to ‘A1 Existing Residential’ (highlighted above as part of Variation No. 1 to the *Ashbourne Local Area Plan 2009–2015*); and
2. The proposition at this material alterations stage (Submission No. MH-C5-834) to rezone a more appropriately sized site of approximately 4ha to the immediate east of the subject site from ‘A2 New Residential’ to ‘G1 Community Infrastructure’ in order to accommodate the prospect of a primary school development thereat.

Recognising the above observations in relation to strategic parklands and school development, zoning the subject site as ‘F1 Open Space’ will not formalise it as public open space, as it is in private ownership and has not been taken in charge. **The site will remain in private ownership.**

4.0 Concluding Remarks

Informed by the foregoing, Meath County Council is respectfully requested to revert the land-use designation of the subject site to ‘A1 Existing Residential’ to facilitate the orderly, coherent and consistent planning and development of the subject site and lands within the settlement of Ashbourne.

Yours faithfully,



Stephen M. Purcell MIPI FSCSI FRICS
Director and Co-Head
KPMG Future Analytics