



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

29<sup>th</sup> June 2021

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

**Re: Material alterations to draft Meath County Development Plan 2021-2027**

A chara,

Thank you for your authority's work in preparing the material alterations to the draft Meath County Development Plan 2021-2027 (the draft Plan).

The Office commends your authority's evident commitment to maintain the progress of the plan-making process in the face of considerable restrictions resulting from public health advice, that drew upon on the hard work and professionalism of staff and the engagement of the authority's members.

The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000 (the Act)*, as amended, and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, while recommending amendments to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, section 28 guidelines.



The Office acknowledges that the material alterations have addressed many of the issues raised in the Office's submission, and welcomes in particular the proposed material alterations Chapter 5.8 which inserted text into section 5.7 'Sustainable Transport' to refer to modal changes, with baseline data and modal share targets for main settlements and the rural area, and proposed material alteration chapter 5.9 to amend section 5.7 to generally align the objectives for Navan rail with that of the RSES. The Office also supports the proposed material alterations Chapter 2.2 amending section 2.5 in relation to revising the position of Longwood and Ballivor within the overall settlement hierarchy for the county.

The Office also notes the *Ministerial Letter to Local Authorities of 18/12/20* relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, which is aimed at supporting the delivery of approximately 33,000 new homes per annum from 2020-2031.

The letter also provides disaggregated figures for each local authority area to support delivery of housing, as set out in Appendix 1 attaching thereto, underpinned by *section 28 Guidelines titled: Housing Supply Target Methodology for Development Planning*. The *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (DHLGH, 2020), or HSTG.

Such guidelines were issued in December 2020, subsequent to the close of the consultation period on the draft Plan and the publishing of the Chief Executive's Report in August 2020. The Guidelines state:

*'While it is recognised that certain planning authorities may have advanced through the statutory process, including publication of a draft plan, it will be necessary to demonstrate general consistency with the NPF and ESRI NPF housing demand scenario, including at Chief Executive's Report and at material alterations stages, subject to the methodology set out in section 4.0 of these guidelines below, and within the parameters of potential adjustment to 2026.'*

Notwithstanding that the plan review process has commenced for Meath, the guidelines specify that it is necessary to demonstrate general consistency with the NPF and Economic Social and Research Institute (ESRI) NPF housing demand scenario, including at Chief Executive's Report and at material alterations stages. A methodology is set out in section 4.0 of these guidelines, and within the parameters of potential adjustment to 2026.



Given the particular circumstances of the plan-making process carried out by Meath County Council, which resulted in the process being suspended on two occasions due to legislative requirements, there may be practical difficulties in making further material alterations to the draft plan taking account of the requirements of the HSTGs at this stage of the process.

However, noting that that housing target determined by your authority through the draft Plan core strategy is significantly in excess of the figure determined through the application of the HSTG, it is a matter for your authority to determine how the County Development Plan will be brought into alignment with the Minister's Guidelines in respect of the Housing Supply Targets over its statutory life.

In addition to the above, your authority is advised that the Office is of the view that a number of material alterations to the draft Plan, if adopted in their current form, would have the potential to lead to substantial breaches of strategic planning policies of the Minister and that such material alterations, therefore, should not be made or should be further modified as appropriate, mindful of section 12(10) of the Act, which provides that the members of the planning authority may make a further modification to an alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Therefore, having regard to the above, this submission contains a number of recommendations, which your authority is required to address in order to ensure consistency with the relevant policy and legislative provisions.

In addition, an observation is indicated, which takes the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions.

The submission below sets out five recommendations and one observation under following four key themes:

1. Zoning
2. Rural housing
3. Flood risk management
4. Strategic national road network



## 1. Zoning

### 1.1 Tiered approach to zoning

Recommendation 11 of the Office's submission on the draft Plan (06/03/2020) requested the planning authority to consider the application of the tiered approach to zoning (TAZ) in accordance with NPO 72a, NPO 72b and NPO 72c and the methodology in Appendix 3 of the NPF, which entails the preparation of an Infrastructure Assessment Report, and to exclude from zoning lands unlikely to be serviced within the life of the plan. No infrastructure assessment report is attached to the draft Plan, as amended, and no lands have been excluded on the basis of the TAZ. However the Office notes the content of the Chief Executive's Report on the public consultation phase of the draft development plan which did signal that the authority was confident of the infrastructural readiness of lands the subject of various zoning objectives (Chief Executive's Report, 13/08/20, p.25).

Where provided, the Infrastructure Assessment Report would have provided stakeholders, including elected members, with relevant information to determine which areas to be zoned are most ready to accommodate the delivery of housing and employment development targets under the plan. It would also have highlighted locations subject to any infrastructural and services capacity constraints that would require resolution and broad estimates of the cost of same. Such evidence-based approach is therefore intended to support the planning authority as a tool in devising an implementable strategy.

In view of the delays experienced by the planning authority in its plan-making process, which were outside its control, and other relevant material provided, the Office considers that a detailed Infrastructural Assessment Report may not be required at this point. However, it would be in the interest of all stakeholders to ensure that such assessments are prepared to inform the Local Area Plans (including Joint LAPs and Joint Urban Area Plans) for settlements in the county.

#### **MA Recommendation 1 – Tiered approach to zoning**

Arising from the planning authority's response to Recommendation 11 of the Office's submission on the draft Plan, the planning authority is required to insert an objective in the plan committing to the preparation of detailed infrastructure assessments, consistent with the methodology for a Tiered Approach to Zoning under Appendix 3 of the NPF, to inform

the development strategy under the Local Area Plans and Joint LAPs and Joint UAPs for settlements in the county.

## 2.2 Proposed material alteration of settlements

The Office considers the following proposed material alterations of land use zonings, contained in Volume 2 Meath Settlements Zoning, are not justified due, in particular, to the incomplete application of the requirements under *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), including the plan-making Justification Tests, and/or because they are inconsistent with the objectives under the NPF and RSES for compact growth (NPO 3c and RPO 3.2). The proposed zonings are therefore inconsistent with the provision of an overall strategy for the proper planning and sustainable development of the county.

<b>Alteration no.</b>	<b>Vol.2 Page</b>	<b>Proposal and comment</b>
Ashbourne MA 08	9	<i>Change from Rural Area RA to New Residential A2. Peripheral site adjacent the M2. It is inconsistent with NPO 3c and RPO 3.2 for compact growth and is not required to meet the core strategy population target for Ashbourne.</i>
Athboy MA 03	19	<i>Change from Rural Area RA to New Residential A2. Detached from the settlement and will not contribute to compact growth. Adjacent River Boyne and Blackwater SPA. The site is within flood risk zone and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i>
Clonard MA 01	24	<i>Relatively extensive change from minor commercial / town or village centre B1 and Rural Area RA to community G1, open space F1 and new residential A2 on the periphery. The additional area is not proportional to the size of the village and the location of A2 land is peripheral and inconsistent with NPO 3c and RPO 3.2 for compact growth.</i>

<p>East Meath MA 05</p>	<p>44</p>	<p><i>Change from Rural Area RA to Tourism D1 and Open Space F1 (buffer).</i></p> <p><i>The site is within flood zone A. The land use zoning objective D1 allows for a range of uses that are highly vulnerable to flood risk, including B&amp;B/Guesthouse, Caravan park, Children Play etc.</i></p> <p><i>The site would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i></p> <p><i>The site is adjacent the Boyne Coast and Estuary SAC and the Boyne Estuary SPA and the SEA notes likely significant effects on biodiversity and surface water / flooding.</i></p>
<p>East Meath MA 06</p>	<p>45</p>	<p><i>Change from Rural Area RA to Open Space F1 and New Residential A2.</i></p> <p><i>The site is within flood zone A and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i></p> <p><i>The site is adjacent the Boyne Estuary SPA and almost adjacent the Boyne Coast and Estuary SAC and the SEA notes likely significant effects on environment and surface water / flooding.</i></p>
<p>East Meath MA 11</p>	<p>11</p>	<p><i>Change from Open Space F1 to New Residential A2.</i></p> <p><i>The site is located in flood risk zone A, which may be exacerbated by climate change and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i></p>
<p>Moynalty MA 01</p>	<p>86</p>	<p><i>Change of use from Rural Area RA to New Residential A1.</i></p> <p><i>Located at s distance from the village. Contrary to policy objectives for compact growth NPO 3a and RPO 3.2, and to NPO 18a and RPO 4.83 to ensure the proportionate growth and consolidate of rural towns and villages.</i></p>
<p>Navan MA 05</p>	<p>92</p>	<p><i>Change from Rural Area RA to New Residential A2 Phasing post 2027.</i></p> <p><i>Location is inconsistent with NPO 3c and RPO 3.2 for compact growth and is peripheral development and backland development.</i></p>

Navan MA 07	93	Change from Mixed Use C1 to New Residential A1. <i>The site is within the flood risk zone and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i>
Slane MA 04	121	Change from Rural Area RA to Tourism D1. <i>The site is adjacent to and may encroach on the SPA/SAC boundary. The site is also partly within a flood risk zone and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses, including for tourism.</i>
Summerhill MA 2	125	Change from Rural Area RA to Community G1. <i>The site is partly within the flood risk zone and would therefore be required to pass the plan-making Justification Test before it is zoned for vulnerable uses.</i>
Trim MA 06	134	Change from Rural Area RA to Community G1 and Tourism D1. <i>The proposal is contrary to objectives NPO 3a and RPO 3.2 for compact growth.</i>

## MA Recommendation 2 – Material alterations to zoning

The planning authority is required to omit the proposed material alterations to the land use zoning objectives included in Volume 2 Meath Settlement Zonings:

Ashbourne MA 08, Athboy MA 03, Clonard MA 01, East Meath MA 05, East Meath MA 06, East Meath MA 11, Moynalty MA 01, Navan MA 05, Navan MA 07, Slane MA 04, Summerhill MA 2, and Trim MA 06.

## 2. Rural housing

The elected members made changes to the proposed rural development strategy in the draft Plan and voted to replace, almost in its entirety, chapter 9 - *Rural Development Strategy* of the draft Plan with chapter 10 - *Rural Development* of the existing *Meath County Development Plan 2013-2019*, including the rural settlement strategy and rural area types, through proposed material alteration Chapter 9.1.



A considerable debate ensued in relation to the draft development plan with a high level of submissions from members of the public, of which the Office is aware. The approach adopted by the Members in revising the draft Plan is noted, however it appears to result in a substantial and critical policy area being based on policy and evidential supports that are significantly out of date and no longer relevant.

For example, the replacement chapter states that it is informed by the Regional Planning Guidelines for the Greater Dublin Area 2010-2020, which are no longer applicable and have been superseded by the RSES for the EMRA area.

Moreover, the policy does not benefit from reflecting the NPF and RSES and in particular, NPO 19 and RPO 4.80 and RPO 4.81, concerning the policy approach to one-off rural housing taking account of the viability of smaller towns and rural settlements.

Arising from the newer national policy framework in relation to rural settlement adopted since the current Meath County Development Plan, NPO 18b and RPO 4.78 require that development plans support the development of new homes in small towns and villages to provide an alternative to urban generated rural housing in the open countryside.

The rural development strategy of the draft Plan that the Office supported included objective RUR OBJ 7 to drive the regeneration of rural towns and villages and RUR OBJ 13 to support the development of 'New Homes in Small Towns and Villages' through provision of serviced sites, which are consistent with NPO 18b and RPO 4.78.

These policy objectives have now been omitted through the proposed material alteration, apparently with no similar policy objectives included in the proposed alteration rural development chapter.

The proposed alteration also creates an anomaly whereby the policy requirements on rural housing are more restrictive within than outside rural nodes, which are intended to accommodate the housing needs of members of the rural community who are not part of the agricultural/horticultural community.

The Ministers guidelines on rural settlement published under section 28 of the Act, titled *Sustainable Rural Housing Guidelines (2005)*, highlight that it is vitally important that a process of research and analysis be carried out into population and development trends in



rural areas and that this analysis should include the identification of the location and extent of the rural area types, which are defined under section 3.2 Identifying Rural Area Types. The application of an evidence-based approach is also required under NPO 20 and supported by NPO 36.

The approach above is also supported by the RSES, which states:

*'Local authorities' rural housing planning policy should be evidence based and accommodate rural generated housing consistent with the settlement framework contained in this Strategy and the DEHLG Sustainable Rural Housing Guidelines, 2005, or any successor thereof, and should be accommodated within the Housing Needs Demand Assessment, reflecting the housing needs of the county as a whole.'*

By virtue of the Members decision to go back to a previous plan policy, based on old census data and that does not take account of very significant levels of rural over-development occurring in the south and east of the county in particular, the proposed Rural Area Types map in the amended draft Plan will be unchanged from the Rural Area Types map in the *Meath County Development Plan 2007–2013*.

The map is not based on recent data and is therefore not consistent with the required evidence-based approach.

By contrast, the original draft Plan (section 2.10.3 - Rural Areas) noted the requirement in the NPF and RSES for Local Authorities to identify areas of strong urban influence in the hinterlands of settlements. On this basis and on the basis of section 9.5.2 *Rural Area Categories in County Meath*, it is evident that the areas defined in Map 9.1 *Meath Rural Development Pressure Map* of the original draft plan, were arrived at through an evidence-based approach (based on data from AIRO), which informed its overall core strategy.

It would therefore appear that the planning authority has not had proper regard to the *Sustainable Rural Housing Guidelines (2005)* as required by section 28(1) of the Act and has not ensured that the development plan is consistent with the RSES for the EMRA area as required under section 27(1) of the Act.

In making the following recommendation, the Office is mindful of the evolving policy context for rural settlement and the requirement, in the event of updated statutory guidelines being

issued by the Minister, of the likelihood of a future variation of the development plan being required to update local policies accordingly.

### MA Recommendation 3- Rural housing

The planning authority is required to consider what steps it can take at this stage of the process of finalising the development plan to ensure that the written statement of the plan and maps relating to rural settlement policies, are based on appropriate current and relevant evidential and statistical underpinnings as required under the relevant section 28 guidelines.

In particular, the planning authority must satisfy itself that the rural area types under the proposed material alteration can be based on a relevant evidence base as required under the Sustainable Rural Housing Guidelines (2005), and under NPO 20 and NPO 36 of the NPF, and the by the RSES.

Where the planning authority cannot satisfy itself that the subject material alterations reflect the up to date data, mapping and policy basis, the planning authority should reconsider the material alterations and revert to the original draft plan concerning same.

### 3. Flood Risk Management

The *Planning Authorities and Flood Risk Management Guidelines* (2009), as revised by Circular PL 2/2014, require that planning authorities avoid development in areas at risk of flooding and adopt a sequential approach to flood risk management including the application of the Justification Test, with the application of a Strategic Flood Risk Assessment to provide an evidence base for the plan preparation process.

A Strategic Flood Risk Assessment was attached to the draft Plan and the proposed material alterations. However both the Office and the Office of Public Works conclude that the SFRA is not consistent with the guidelines, including the conclusions concerning the application of the Justification Test on sites at risk of flooding which have been included for zoning for vulnerable uses in the proposed alterations.

In particular, the following proposed material alterations are of particular concern as regards the applicability of meeting the requirements of the guidelines before they can be considered for inclusion in the objectives for development of land (zoning):

- Navan MA No 4, Navan MA No 7, Navan MA No 8 and Navan MA No 10;
- Athboy MA No 3;
- Bettystown MA No 6, Bettystown MA No 10 and Bettystown MA No.11;
- Dunshaughlin MAt No 2;
- Summerhill MA No 2;
- Trim MA No 6.

#### MA Recommendation 4 - Flood risk management

The Planning Authorities and Flood Risk Management Guidelines (2009), as revised by Circular PL 2/2014, provide that where a planning authority is considering (in the plan) the future development (for vulnerable development) of areas at a high or moderate risk of flooding, that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the Justification Test for the plan making stage (Box 4.1).

The planning authority is required to review the Strategic Flood Risk Assessment, in consultation with the OPW, to ensure consistency with the Flood Risk Planning Authorities and Flood Risk Management Guidelines (2009), as revised. The land use zoning objectives under the draft Plan, including the proposed material alterations, are also required to be reviewed and amended, as appropriate, having regard to the revised SFRA, and in accordance with the application of the sequential approach, and the Justification Test where appropriate, and having regard to potential climate change effects.

This review may entail:

- the deletion of proposed material alterations within flood risk zones;

- the inclusion of necessary alterations to relevant zonings proposed in the original draft plan within flood risk zones to ensure consistency with the guidelines.

#### 4. Strategic National Road Network

Observation 13 of the Office’s submission on the draft Plan advised the planning authority to consult with TII regarding the determination of the potential impact on the capacity of the strategic national road network arising from proposals (MOV OBJ 4.3) to upgrade junction 7 of the M1 and the core strategy provisions for Stamullen. The motorway, which forms part of the TEN-T network, is a critical element underpinning the Dublin-Belfast Corridor and it is an objective of the RSES (RPO 8.11) to protect this route. TII has indicated that there has been no discussions in this regard.

It is a requirement under the *Spatial Planning and National Roads Guidelines for Planning Authorities Guidelines for Planning Authorities (2012)* (the SPNRGs) for planning authorities to engage with TII to help to avoid difficulties at the development management stage.

##### MA Observation 1 – Strategic Road Network

The planning authority is requested to engage with TII with a view to amending or omitting the proposed objective MOV OBJ 4.3 to ensure it meets the requirements of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* that the strategic traffic function of the M1 is protected.

Material alteration Dunshaughlin 02 provides for the rezoning of land adjacent junction 6 of the M3 motorway. As noted above, the SPNRGs require the planning authority to ensure the strategic traffic function of the strategic national road network, including the M3 and its junctions, is protected. The guidelines provide that planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.



The proposed material alteration, by reason of its location, required the application of an evidence-based approach set out in the guidelines, which must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.

It appears that in the consideration of this material alteration, an evidence-based approach was not observed and therefore the proposed material alteration is not justified and it is inconsistent with section 2.7 of the SPNRGs mentioned above.

#### MA Recommendation 5 – Proposed alteration 02 Dunshaughlin

The planning authority is required to omit proposed material alteration 02 Dunshaughlin as inconsistent with the requirement for an evidence based approach and inconsistent with section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*.

#### Other Matters

The Office notes that notwithstanding the response of the Chief Executive that the zoning objectives of the adjoining planning authorities would be included in the land use zoning maps, as per Recommendation 13 of the OPR's submission on the draft Plan, these have not yet been included. The Office would encourage the planning authority to ensure the objectives' of the neighbouring planning authorities, in particular those relating to land use zoning objectives, are included in the land use zoning maps for the development plan on adoption.

Regarding the proposal to prepare 38 masterplans, with objectives included for same under volume 2 of the draft Plan. The Office would remind the planning authority of the importance of ensuring engagement and consultation of stakeholders as part of the plan-making process for statutory plans, including TII (a requirement under the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*). The Office would also highlight the potential implications under the Habitats Directive concerning Appropriate



Assessment, in particular, for plans where such plans determine the spatial development of land.

Regarding proposed material alteration chapter 11.1, the Office would suggest that compliance with the density standards set out under the *Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities* (2009), which is a requirement to apply under SPPR 1 of the *Urban Development and Building Heights Guidelines* (2018), as clarified by Circular NRUP 02-2021, could be more readily achieved through the replacement of the detailed requirements in DM OBJ 14, with requirement for compliance with the aforementioned guidelines.

### **Summary**

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process of making the plan, your authority must notify this Office within five working days of its decision in relation to the draft Plan.

In particular, where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

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## **Niall Cussen**

Planning Regulator and Chief Executive

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