



28th January 2022

For the Attention of: Ms Jackie Maguire, Chief Executive

Meath County Council,
Buvinda House,
Dublin Road,
Navan,
Co. Meath,
C15 Y291

Section 31 of the Planning and Development Act 2000, as amended
Decision to Issue a Direction to Meath County Council on the Meath County Development
Plan 2021 - 2027

Dear Jackie,

I am writing to you to inform you of the following in relation to the Section 31 Draft Direction issued to Meath County Council on 2 November 2021, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report and the submissions made directly to the Office in connection with Meath County Development Plan 2021 – 2027, as adopted on 22nd September 2021, by the elected members of Meath County Council.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on 7th January 2022 and recommended that I, as Minister, issue the Direction, as attached to the Notice of Intent dated 2 November 2021, as drafted and without amendment, in respect of each of the material amendments. The final Direction enclosed has been updated to include references, date of the citation of the direction and the correct instrument for delegation of powers. These updates do not relate to the specific land use zonings which are the subject of the S. 31 Direction.



The Draft Direction required the reinstatement of 5 land use zonings to those of the draft Plan due to non-sequential development and inconsistencies with the SEA and AA statements. The Draft Direction also required the amendment of 5 land use zonings to exclude lands identified as Flood Zone A and B in the Strategic Flood Risk Assessment and reinstate the zoning objective for the relevant part of the lands in each case to that of the Draft Plan.

Having reviewed and considered the Office's notification letter under 31AN(4), including your Chief Executive's Report on the draft Direction and submissions, the JBA consulting report on Ratoath MA 03, and the submissions made directly by elected members to the Office, including the document 'Technical Briefing Note on Site-Specific Fluvial Flood Risk Assessment' prepared by Kilgallen & Partners for lands south of Broadmeadow River at Ratoath, Co Meath (amendment Ratoath MA 03) ("the Technical Note"), I am of the opinion that the Direction should be issued as per the attached recommendation of the Office of the Planning Regulator.

The Development Plan has not been made in a manner consistent with the recommendations of the Office and the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

Also, the Development Plan as made is inconsistent with NPO57 of the National Planning Framework and with Ministerial Guidelines issued under Section 28 of the Act, specifically *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)*, as amended, which require Planning Authorities to avoid development within areas at risk of flooding and to only consider development within areas at risk where it passes the provisions of the sequential approach and plan-making Justification Test detailed in the Guidelines.

Finally, the Development Plan as made includes material amendments to the draft Plan, that are inconsistent with the Appropriate Assessment and the 'mitigation / recommendation' of the Strategic Environmental Assessment and which individually and cumulatively are not consistent



with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area.

Accordingly, Meath County Council should **TAKE NOTICE** that on the 28 day of January, 2022, I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.

STEPS TO BE TAKEN

In light of the foregoing the County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Meath County Development Plan 2021 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

Peter Burke, T.D.,

Minister for Local Government and Planning



Copied to:

- Cathaoirleach, Meath County Council, Buvinda House, Dublin Road, Navan, Co. Meath, C15 Y291.
- Mr. Jim Conway, Director, Eastern & Midland Regional Assembly, 3rd Floor North, Ballymun Civic Centre, Main Street, Ballymun, Dublin 9, DO9 C8P5.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
MEATH COUNTY DEVELOPMENT PLAN 2021-2027**

“Development Plan” means the MEATH COUNTY DEVELOPMENT PLAN 2021-2027

“Planning Authority” means Meath County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (as amended) ("the Act"), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AN(4) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Meath County Development Plan 2021-2027) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps:
 - a. Reinstate the following zoning objectives to that of the draft Plan consistent with the recommendations in the Chief Executive’s Report dated 10th December 2021:
 - i. Ashbourne MA 08 – Reinstate the zoning of the subject land, located adjacent to the motorway, to that of the draft Plan i.e. the subject land reverts to Rural Area (RA) from New Residential (A2).

- ii. Athboy MA 03 - reinstate the land use zoning to that of the draft Plan i.e. the subject land reverts to Rural Area (RA) from Community Infrastructure (G1).
 - iii. East Meath MA 05 – reinstate the land use zoning to that of the draft Plan i.e. the subject land reverts to Rural Area (RA) from Tourism (D1) and Open Space (F1).
 - iv. Moynalty MA 01 – reinstate this land use zoning on lands located outside of the settlement boundary to the southeast of Moynalty, to that of the draft Plan i.e. the subject land reverts to Rural Area (RA) from New Residential (A2).
 - v. Slane MA 04 – reinstate this land use zoning to that of the draft Plan i.e. the subject land reverts to High Amenity (H1) from Tourism (D1).
- b. Amend the following zoning objectives to exclude land identified as Flood Zone A or B in the Strategic Flood Risk Assessment, and reinstate the zoning objective for that part of the land to that of the draft Plan, consistent with the recommendations in the Chief Executive’s Report dated 10th December 2021:
- i. Dunshaughlin MA 02 - the subject land reverts to Rural Area (RA). This amends part of the zoning objective General Enterprise and Employment (E2), which is within Flood Zone A/B (northern section of the site) to that of the draft Plan Rural Area RA.
 - ii. Summerhill MA 02 - the subject land reverts to Rural Area (RA). This amends part of the zoning objective – Community Infrastructure (G1) which is within Flood Zone A/B to that of the draft Plan Rural Area RA.
 - iii. Trim MA 06 - the subject land reverts to Rural Area (RA). This amends part of the zoning objective – within the Tourism zoning (D1) which is within Flood Zone A/B (along the eastern boundary) to that of the draft Plan Rural Area RA.
 - iv. Ratoath MA 03 – the subject land reverts to Open Space (F1) from Commercial/Town or Village Centre (B1).

STATEMENT OF REASONS

- I. The Office of the Planning Regulator is of the opinion that the Development Plan has not been made in a manner consistent with its recommendations and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- II. The Development Plan as made is inconsistent with NPO57 of the National Planning Framework and with the Ministerial Guidelines issued under Section 28 of the Act, specifically *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)*, as amended, which require Planning Authorities to avoid development within areas at risk of flooding and to only consider development within areas at risk where it passes the provisions of the sequential approach and plan-making Justification Test detailed in the Guidelines.
- III. The Development Plan as made includes material amendments to the draft Plan, that are inconsistent with the Appropriate Assessment and the ‘mitigation / recommendation’ of the Strategic Environmental Assessment and which individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:
 - a. Land for development located in peripheral locations detached from the existing settlement, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2. (Ashbourne MA 08; Moynalty MA 01).
 - b. Land for development in excess of that needed to meet the core strategy population in the adopted Plan (Table 2.11) and which would further undermine the achievement of brownfield development targets. (Ashbourne MA 08).
 - c. Land proposed for development despite the fact that the mitigation measures upon which the Appropriate Assessment Conclusion was based included the omission of Slane MA 04 and the provision of a 25m buffer for Athboy MA 03, and where no reason for rejecting these mitigation measures

or reasoning to support the AA Conclusion without such measures has been given.

d. Land proposed for development despite the fact that the mitigation/recommendation of the Strategic Environmental Assessment included the omission of Athboy MA 03, East Meath MA 05, Moynalty MA 01, Slane MA 04 (with the exception of Athboy MA03 where an alternative buffer is provided for).

e. Land zoned for development vulnerable to flood risk in areas known to be at risk of flooding contrary to the statutory guidelines of the Minister entitled “The Planning System and Flood Risk Management Guidelines for Planning Authorities” (2009), as revised. (Athboy MA 03, East Meath MA 05, Slane MA 04).

IV. The Chief Executive of the Planning Authority has prepared a report pursuant to Section 31(8) of the Act and has recommended that the draft Direction issued by the Minister is given effect, as drafted and without amendment.

GIVEN under my hand,

A handwritten signature in blue ink, appearing to read "Peter Burke". The signature is written in a cursive style with a large initial "P".

Minister for Local Government and Planning

This 28th day of January 2022