



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

07/01/2022

Mr Peter Burke TD  
Minister for Local Government and Planning  
Department of Housing, Local Government and Heritage  
Custom House  
Dublin 1  
D01 W6X0

**Re: Notice pursuant to section 31AN(4) of the Planning and Development Act  
2000 (as amended) – Meath County Development Plan 2021-2027**

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Meath County Development Plan 2021-2027 (the "Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Meath County Council (the "Council") by your office on 02/11/2021; and
- b) the report of the Chief Executive of the Council dated 10/12/21 on the submissions and observations received by the Council (the "Report").

I refer also to the submissions made directly by elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act. The Office received three submissions containing the observations of the elected members, which are attached to this letter. This Office has carefully taken into consideration the Report and the submissions made directly to this Office.

**Draft Direction**

You will note that the Report prepared in accordance with section 31(8) of the Act recommends that the draft direction issued by the Minister is given effect, as drafted and without amendment, in respect of each of the material amendments.

The Office now recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction.

In forming this recommendation, this Office reiterates the submissions made to you in the Notice, which issued from this Office to your office on 20/10/2021 pursuant to section 31AM(8) of the Act. You might also please note the following:

- Submissions to the Office from elected members under section 31(10)(a) of the Act oppose the draft Direction only in respect of amendment Moynalty MA 01 (one submission) and amendment Ratoath MA 03 (two submissions).
- As set out in the Report, submissions made to the Council opposing the implementation of the draft Direction, including the views of elected members, also relate only to amendment Moynalty MA 01 and amendment Ratoath MA 03.
- The Chief Executive considered, in detail, the submissions of all parties made under 31(7)(c) of the Act.

In relation to amendment Ratoath MA 03, the submission to the Office of Cllr Nick Killian, on behalf of Luc Hemeryck, includes 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"). This same document was submitted to the planning authority by PD Lane Associates on behalf of Luc Hemeryck.

The Report was informed by the Council's independent flood consultant who addressed submissions on amendment Ratoath MA 03, including the Technical Note. On the basis of the assessment carried out by the flood consultant, a summary of which is contained in the Report, the Report concludes that the draft Ministerial Direction is supported by the views of the Council's independent flood consultant.

Following consideration of the submissions and Report, the Office is satisfied that there is no basis to materially change the recommendation of this Office in respect of amendment Ratoath MA 03.

In relation to amendment Moynalty MA 01, having considered the submissions and the Report above, the Office is also satisfied that there is no basis to materially change the recommendation of this Office in respect of amendment Moynalty MA 01.

### **Minor Amendments**

The following minor amendments are proposed in the attached Direction:

- Minor amendment to reflect the correct instrument delegating the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000, and to the citation of the Direction (2022 rather than 2021).
- It is noted that the referencing of material amendments in Part b. of the draft Direction are not consistent with those in Part a. In addition, the referencing in both parts is not fully consistent with the referencing system applied by the Council in the published material amendments.

In her report of 10/12/21, the Chief Executive applied a variation to the previous referencing system consistent with Part a. of the draft Direction. In the interest of clarity, it is advised that in the event that a final Direction is issued by the Minister, the referencing of the material amendments in Part b. of the Direction should be modified to be consistent with Part a, which is a minor amendment.

- In addition, it is considered that, in the interest of providing clarity and consistency with national planning policy, the statement of reasons should be subject to a minor amendment in relation to the first reason (I.) of the Statement of Reasons in the draft Direction, now the second reason (II.) attached to this notice, as follows:

The Development Plan as made is inconsistent with NPO 57 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) 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.

**Recommendation**

Having regard to section 31AN(4) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the direction with the aforementioned minor amendments.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at [plans@opr.ie](mailto:plans@opr.ie).

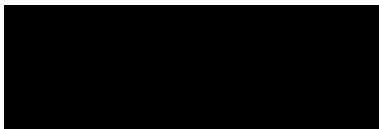
Yours sincerely,



---

**Niall Cussen**

Planning Regulator



**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 10<sup>th</sup> 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 10<sup>th</sup> 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,



Minister for Housing, Local Government and  
Heritage

day DD of MM YYYY.