



26th April 2024

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

Re: Proposed Variation No. 1 to the Meath County Development Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 1 (the proposed Variation) to the Meath County Development Plan 2021-2027 (the Development Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the work your authority has put into the preparation of the proposed Variation against the backdrop of an evolving national and regional planning policy and regulatory context, which included taking account of the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA).

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is

required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take 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 planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the Variation, the Office will consider whether the plan, as varied, has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area concerned.

Overview

The Office acknowledges the reason for the proposed Variation, which is to ensure the delivery of housing in support of the growth targets under the RSES and NPF, having regard to the provisions of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

The Office also acknowledges the significant challenges faced by the planning authority in delivering sufficient housing and the pressure to deliver more housing units in certain settlements within the commuter belt of the Greater Dublin Area. However, the Development Plan and its core strategy are required by the Act to be consistent with the national and regional development objectives and to have regard to Ministerial guidelines, which together provide a structured planned approach to ensure that housing growth occurs in a socially and environmentally sustainable manner and consistent with the national climate objective.

These objectives have been incorporated into the Development Plan, as far as is practicable, through the core strategy, which forms the backbone of the Development Plan and is there to guide the sustainable development of the county.

The Office has a number of significant concerns, however, regarding the detail of the proposed Variation, which will result in inconsistencies within the Development Plan and would undermine the implementation of the core strategy contrary to the provisions of section 15(1) of the Act.

The Office acknowledges that housing delivery for the county is below target at the Two-Year Plan Review Stage. However, the Office is also aware that many settlements have reached capacity in terms of core strategy housing targets, but not those settlements identified for significant growth under the NPF and the RSES regional growth strategy, including Drogheda Regional Growth Centre and Navan and Maynooth Key Towns.

Therefore, while some flexibility may be warranted in the implementation of the core strategy, in view of the statutory obligations, it is important that this is applied in a transparent and plan-led manner to avoid undermining the integrity of the recently adopted core strategy.

The Office is also concerned that the proposed Variation would also facilitate the creation of further inconsistencies between future local area plans (LAPs) / joint local area plan (JLAPs) / joint urban area plans (JUAPs) and the Development Plan, contrary to the provisions of section 19(2) of the Act.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out two (2) recommendations and comments under the following key themes:

Key theme	Recommendation	Observation
<u>Consistency with county development plan objectives</u>	<u>Recommendation 1</u>	-
<u>Consistency with the core strategy</u>	<u>Recommendation 2</u>	-

1. Consistency with county development plan objectives

Proposed Amendment No. 1 introduces new objective INT OBJ 1 and associated text. This provides that future LAPs will supersede the existing written statements for the relevant settlement in the Development Plan (Volume 2).

This new objective and associated text also provides that future LAPs will update the relevant household allocation for the settlement concerned, without a concurrent variation of the core strategy of the Development Plan. This will result in household allocations for certain settlements which are inconsistent with those of the core strategy.

These provisions would create the potential for significant inconsistencies between the objectives of the Development Plan, including its core strategy, and the future local area plans, contrary to section 19(2) of the Act, which states ‘*A local area plan shall be consistent with the objectives of the development plan...*’. It is also contrary to the obligations on the planning authority under section 15(1) of the Act to take such steps necessary to secure the objectives of the development plan.

In order to avoid creating inconsistency between future LAPs and the Development Plan, the planning authority should amend the proposed Variation to include an objective to vary the Development Plan to delete the written statement concerned, or pertinent parts thereof, in tandem with the LAP preparation process.

Recommendation 1 – Consistency with the county development plan

Having to the objectives and provisions of the Meath County Development Plan 2021-2027 (the Development Plan) and, in particular to:

- section 19(2) and section 15(1) of *Planning and Development Act 2000*, as amended;
- RPO 3.1 of the RSES to implement the regional growth strategy; and
- NPO 9 of the NPF and RPO 4.1 of the RSES for the proportionate growth of towns,

the planning authority is required to:

- (i) amend new objective INT OBJ 1 and associated text in the proposed Variation to provide that the Development Plan will be varied in tandem with the preparation of the Local Area Plan / Joint Local Area Plan / Joint Urban Area Plan and to delete or amend the relevant written statement in Volume 2 of the Development Plan to ensure there no conflicting objectives or other provisions in the Development Plan; and

- (ii) amend proposed objective INT OBJ 1 and associated text to delete reference to updating the relevant household allocation for the settlements under future LAPs / JLAPs / JUAPs, except where this is carried out in tandem with an evidence-based variation of the core strategy.

2. Consistency with the core strategy

The proposed Variation provides extensive replacement text under section 2.9.3, which provides context for associated amendments of CS POL 1 and CS OBJ 3. The effect of these changes makes provision for 781 housing units additional to the core strategy of the Development Plan, the justification for which is not clear based on the information available. Furthermore, and significantly, these additional units are independent of the settlement strategy of the Development Plan and equally applies to all settlements with the exception of villages and rural nodes and the open countryside. This approach fails to provide a vision for how the county is likely to grow and develop over the lifetime of the Development Plan, with a clear set of spatial priorities aligned to the social and physical infrastructure capacity of these towns and the spatial framework provided by the growth strategy of the RSES.

In relation to the identification of 781 additional housing units, the core strategy of the Development Plan sets a housing allocation target of almost 17,000 units for the plan period. This strategy was determined in advance of the *Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities (2020)* issued by the Minister in December 2020, under which a significantly lower housing supply target would apply. The core strategy therefore already incorporates significant flexibility in terms of the delivery of housing across settlements in the county.

While the proposed Variation acknowledges '*that the county has zoned a sufficient amount of land to accommodate household allocation up to 2027*', it contradictorily provides that '*additional provision*' of lands may be considered. In this regard, section 4.4.3 of the Development Plans Guidelines provide that any '*additional provision*' must be clearly set out in the core strategy and must take account specified criteria.

The Office also has concerns that the proposed Variation of policy CS POL 1 and objective CS OBJ 3 would undermine the statutory role of the core strategy which is identified in section 10(1A) of the Act as a fundamental element of the development plan, which

demonstrates that the objectives of the plan are consistent with national and regional spatial strategy and policy, including compact growth and the proportionate development of settlements.

The proposed Variation of policy CS POL 1 specifies that the management of growth of each settlement will be '*informed by*' rather than be '*in accordance with*' the core strategy of the development plan; and the proposed variation of objective CS OBJ 3 that the planning authority will '*be guided by*' the housing growth and household allocation in so far as is practical rather than to ensure the implementation of such growth as set out in the core strategy, in so far as is practicable.

The Office is concerned that, taken together, these proposals will undermine the implementation of the core strategy, contrary to the obligations on the planning authority under section 15(1) of the Act to take such steps necessary to secure the objectives of the development plan.

Recommendation 2 – Consistency with the core strategy

Having regard to the core strategy of the Meath County Development Plan 2021-2027 (the Development Plan) and to the provision of new homes at locations that can support compact and sustainable development growth, and in particular to:

- section 10(1A) and 10(2A) of the *Planning and Development Act 2000*, as amended (the Act);
- section 15(1) of the Act;
- section 19(2) of the Act;
- RPO 3.1 of the RSES to implement the regional growth strategy;
- NPO 9 of the NPF and RPO 4.1 of the RSES for the proportionate growth of towns; and
- section 4.4.3 and the associated criteria for 'Additional Provision' under the *Development Plans, Guidelines for Planning Authorities (2022)*,

the planning authority is required to:

- (i) review the justification for the proposed additional 781 housing units having regard to the core strategy of the Development Plan and amend the provisions of the proposed Variation to reflect the outcome of this review, including, the text, table and new objective (CS OBJ 3A); and
- (ii) omit or amend the proposed wording of Policy CS POL 1, Objective CS OBJ 3 and proposed objective CS OBJ 3A (where its inclusion has been justified in accordance with part (a) of this recommendation) to ensure that the Development Plan provides a vision for the spatial distribution of any justified additional housing growth in accordance with the core strategy and settlement strategy of the Development Plan and consistent with relevant national and regional policy, as specified above.

3. Environmental assessments

In view of the uncertainty in the future allocation of the 781 units to a settlement or settlements, the Office considers the screening conclusions to be unsupported. In this regard the AA screening report states:

Following screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the implementation of the Draft Variation, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law. [our emphasis]

In view of this uncertainty, the planning authority is advised to satisfy itself as the competent authority that Appropriate Assessment is not required.

4. Other matters

The Office has identified a small number of inconsistencies which the planning authority may wish to review.

In relation to Proposed Amendment No.1, the numbering of headings under of the proposed variation should be reviewed to align with the pattern of numbering of the development plan.

Regarding Proposed Amendment No. 2 (within the proposed Variation), which seeks to omit the core strategy objective for each settlement in Volume 2 of the Development Plan, the proposed Variation refers to objective SH OBJ 1, an objective that does not appear in Volume 2. The proposed Variation also includes OLD OBJ 1 twice and omits to refer to LON OBJ 1 for Longwood. The planning authority should review the list of the subject core strategy objectives to ensure relevant objectives are included.

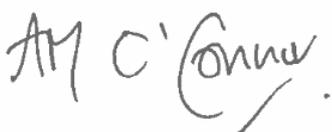
Summary

The Office requests that your authority addresses the recommendations 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, your authority is required to notify this Office within **five working days** of the decision of the planning authority in relation to the proposed Variation. 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.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
