

**Variation No. 1
to the Navan Development Plan 2003-2009
lands at Abbeyland South, North of Navan Town Centre**

**Manager's Report to Members
Under Section 13(4) (a) of the Planning and Development
Act, 2000**



Presented by the Town Manager to the
Members of Navan Town Council
at
Navan Town Council Meeting of 8th July 2008

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Introduction

This report forms part of the statutory procedure for varying a Development Plan and is prepared under Section 13 (4) (a) of the Planning and Development Act, 2000. Its purpose is to report on the outcome of the statutory consultation process (as set out under Section 13 of the Planning and Development Act, 2000) and to set out the Manager's Response and Recommendations to the issues raised in submissions received during the statutory public display period.

Section 13(4)(b) of the Planning and Development Act, 2000 sets out the requirements in relation to the preparation of a Manager's Report. The Manager's Report is required to address any submissions or observations received on foot of the notifications and consultations with, inter alia, the public, prescribed bodies, service providers and the Board.

The Manager's Report must: -

- List the persons or bodies who made submissions or observations, as well as any persons or bodies consulted;
- Summarise the issues raised in the submissions and during the consultations, where appropriate give the opinion and recommendations of the Manager on the issues raised. In this regard the Manager's opinion must take into account (a) the proper planning and sustainable development of the area, (b) the statutory obligations of any local authority in the area, and (c) any relevant policies or objectives of the Government or of any Minister of the Government.

The Manager's Report must then be circulated to the Members of the Planning Authority for their consideration. Section 13 (5) (b) (iii) of the Planning and Development Act 2000 as amended states that the members can make the variation with or without modifications they may refuse to make it not later than six weeks after the furnishing of his report to the members unless by resolution the Planning Authority make, amend or refuse to make the variation.'

Throughout the process the members are restricted to consideration of the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area, and any relevant policies or objectives of the Government or of any Minister of the Government.

Background

The proposed variation relates to lands located in the townland of Abbeyland South, north of Navan town centre and proposes the following zoning changes:

- 1.32 1 ha currently zoned F1 "To provide for and improve open space for active and passive recreational amenities", proposed to be zoned C1 "To provide for and facilitate mixed residential and business uses in existing mixed use central business areas."
- 3.35 ha currently zoned D1 "To provide for visitor and tourist facilities and associated uses", proposed to be zoned C1 "To provide for and facilitate mixed residential and business uses in existing mixed use central business areas."
- 0.465 ha currently zoned G1 "to provide for necessary community, recreational and educational facilities" proposed to be zoned C1 "To provide for and facilitate mixed residential and business uses in existing mixed use central business areas."

Having regard to the proximity of the lands to the existing town centre the proposed variation seeks to accommodate mixed residential and business uses on the lands which will ensure that uses complimentary to the existing town centre will develop on these lands. Part of these lands will accommodate the site of the Meath County Council Corporate Headquarters. The variation is seeking that the lands would develop in a balanced and sustainable manner taking cognisance of the river setting and cSAC designation.

In accordance Section 3.4.3 of the Navan Development Plan an Area Action Plan has been prepared for lands which include those, the subject of this variation. The purpose of the AAP was to provide a plan led approach to development of the AAP lands.

Strategic Environmental Assessment

As it is proposed to vary a Development Plan, a Strategic Environmental Assessment (SEA) screening (i.e the process for deciding whether a particular plan other than those for which SEA is mandatory, would be likely to have significant environmental affects, and would thus warrant SEA), is required in accordance with Planning and Development Regulations 2001-2004.

A screening report was prepared (June 2007) to determine if the AAP/proposed variation required a Strategic Environmental Assessment. The outcome of the screening process was that an SEA is not required for the proposed variation. Notwithstanding this outcome the AAP contains, in Appendix 1, an environmental report.

The screening report was referred to the Department of Environment, Heritage and Local Government, the Environmental Protection Agency and the Dept of Communications, Energy and Natural Resources.

Responses

- **Dept of Communications, Energy and Natural Resources**

The Dept of Communications, Energy and Natural Resources responded 16th July 2007 and indicated the following (text in italics):

1. *In terms of the protection of water quality and fishery status of the receiving waters, the status objectives as set out in the Water Framework Directive should not be compromised as a result of this AAP. This is important in view of the AAP lands location in relation to the River Blackwater and Boyne.*
2. *It is this Department's view that any future development proposed on foot of this AAP1 should be considered premature until suitable Sanitary Services infrastructure (incl. Treatment Plant Capacity) is in place to take and treat satisfactorily the anticipated increased loadings (both organic and hydraulic) that are expected as a result of the population increases projected in the AAP (See also 3 below).*
3. *The Screening Report does not specifically address the issue of surface water drainage or effluent disposal. There is no mention as to the capacity of the existing Effluent treatment Plant facility and its ability to cope with the additional loadings that may result form this AAP1. These matters could have been usefully addressed at 4.2.1(b) (Pg6) of the SEA Screening Report.*

The above is without prejudice to any comments that the Eastern Regional Fisheries Board may have in this matter. '

- **Dept of the Environment, Heritage and Local Government**

The Dept of the Environment, Heritage and Local Government responded 17th July 2007 and indicated the following in respect of **nature conservation** recommendations (text in italics):

The Area Action Plan (AAP) 2 for Navan includes the cSAC of the River Boyne River Blackwater (site code 2299). The lands are described as being east of the Navan inner relief road phase 2A, north of the N3 and adjacent to the river Blackwater. The lands are already identified for development in the Navan Development Plan 2003-2009 by way of their zoning objectives. This Plan is separate from the Meath County Development Plan and pre-dates the SEA Directive so no SEA screening would have been done on it. The lands adjacent to the river are zoned C1 (to provide for and facilitate mixed residential and business uses in existing mixed use central business areas), D1 (to provide for visitor and tourist facilities and

associated uses), F1 (to provide for and improve open spaces for active and passive recreational amenities) and G1 (to provide for and protect existing community, recreational and educational facilities). The land within the AAP will be primarily developed for a mixture of amenity, office and residential uses with ancillary uses such as retail, restaurants, coffee shops etc. Part of the AAP land is to accommodate the new Meath County Council Civic Offices. Land to the north of the River Blackwater will remain as open space.

It is stated in the screening document that the river Blackwater and its banks are considered to be of ecological importance and with the river Boyne is a candidate Special Area of Conservation (cSAC). It is also stated that with respect to the cSAC, the AAP will ensure the protection of the essential character, setting and biodiversity of the river corridor through the control of location, layout and design of such development. There is also a requirement in the Navan Development Plan that any planning applications, which propose development in the cSAC, be accompanied by an ecological impact assessment which will be forwarded to NPWS for comments prior to a decision being made. Furthermore, consultation with Meath County Council's Heritage Office will take place on all applications, which would have the potential to impact upon the cSAC. It is concluded that "it is not anticipated that the value and vulnerability of this environmental assets will be affected through the implementation of the Plan, given its status and protection in the Navan Development plan 2003-2009 and given the policies/objectives which will be contained in the AAP". It is also stated that the proposed AAP/variation will not result in any substantial further impacts on the environment, beyond what is envisaged within the context of the Navan Development Plan. However, as previously stated above the Navan Town Plan pre-dated the SEA directive and therefore would not have had SEA screening.

The AAP however does have the potential to impact significantly on the natural heritage of the cSAC depending on the types and location of the developments to be carried out. For example AAP 2 has areas adjacent to the cSAC zoned for active and passive recreational amenities. The Navan Development Plan 2003-2009 has policies to provide pedestrian and cycle access to the riverbanks and to support the provision of additional pedestrian and cycle links over the rivers Blackwater and Boyne. These could result in added disturbance and loss of riparian zone and/or wetland habitat. This stretch of river is important for salmon which are listed on Annex II of the EC Habitats Directive and as seen in the area of AAP 1 and it is being heavily developed right to its edge and impacting negatively on the riparian zone of the river.

We recommend that a SEA be carried out for this AAP. It should also assess the cumulative impact of this AAP with that of AAP1 which is downstream and adjacent to this AAP, and also the cumulative impact with other existing or proposed plans or projects which may also impact on the cSAC. Such plans or projects would include for example the existing Navan Development Plan and the new bridge at Kilcarn. The attention of the Local Authority is also drawn to the European Commission guidance document on assessments under Article 6 of the EC Habitats Directive, which should be included in a SEA. This document can be found at the web site:

http://ec.europa.eu/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/natura_2000_assess_en.

In addition we may have recommendations from an architectural heritage perspective.

Should a decision be taken to carry out a Strategic Environmental Assessment this Department will be pleased to provide further advice on the contents of the Environmental Report.

Please note that the European Commission has re-emphasised the importance of retaining hard copies of screening decisions on planning authorities' files.

The Dept of the Environment, Heritage and Local Government responded 18th July 2007 and indicated the following in respect of **architectural heritage** recommendations (text in italics):

It is considered that the proposal to prepare an action area plan for the lands in question will not have a significant effect in a wide scale sense on the architectural heritage of the locality. However, the opportunity exists to use the existing protected structures as focal points in the plan layouts associated with the AAP and incorporate them in a meaningful fashion in new development layouts.

Please note that the European Commission has re-emphasised the importance of retaining hard copies of screening decisions on planning authorities' files.

Public Consultation

A notice was published in the Meath Chronicle dated 17th May 2008 which stated that the variation and SEA screening decision were available for inspection from 19th May 2008 until 17th June 2008 at the following locations:

- Navan Town Council Offices
- Planning Department, Abbey Mall, Abbey Rd, Navan.
- Meath County Library/Navan Branch Library. Railway St, Navan
- www.meath.ie.

Submissions Received

5 submissions/observations were received.

Submissions Received

Submission Number	Name and Address
1	National Roads Authority, St Martins House, Waterloo rd, D4

Summary: This submission expresses no objections to the proposed variation subject to appropriate transportation assessment of proposals.

Response: Noted. Appropriate transportation assessment of proposals will occur as part of the development management process.

Recommendation: No change recommended.

Submission Number	Name and Address
2	Department of Communications, Energy and Natural Resources

Summary: The Department of Communications, Energy and Natural Resources on behalf of the Engineering Division whose functions have moved to the Department of Agriculture, Fisheries and Food have no further comments to make at this time to those that were made during the SEA screening process and the views and recommendations as outlined at that time still hold.

Response: Submission noted.

Recommendation: No change recommended.

Submission Number	Name and Address
3	Shirley Kearney, Higher Executive Officer, Forward Planning Section Department of Education & Science, Tullamore, Co Offaly

Summary: The Department notes that it is proposed to rezone 0.465ha currently zoned G1 "to provide for necessary community, recreational and educational facilities" to C1 "to provide for and facilitate mixed residential and business uses in existing mixed use central business areas."

The Department notes that Meath County Council has previously reserved two sites to the north of Navan town - in the Clonmagadden SDZ (for a primary school) and in LAP 5 (for a primary and a post-primary school). As such we would have no objection to the proposed variation as outlined above.

However, the submission adds that Forward Planning Section is in the process of identifying areas where significant additional accommodation will be required at primary and post-primary level from 2009 and onwards and we would welcome the opportunity when the

current Navan Development Plan is being reviewed to comment as to where additional lands may need to be reserved to cater for educational needs into the future.

Response: The contents of the submission are noted. The Forward Planning Dept have been in contact with the Dept of Education to discuss the review of the Navan Dev Plan and it is intended that this contact would be maintained throughout the review process.

Recommendation: No change recommended.

Submission Number	Name and Address
4	Dept of the Environment, Heritage and Local Government, Spatial Policy Section

Summary: This submission requests that the Council notes that part of the area to be rezoned contains a portion of the River Boyne nad River Blackwater c SAC and it is also prone to flooding. There is no indication that the Council have undertaken an appropriate assessment of the ecological or environmental implications of the proposed variation. The council is referred to circular letter 1/08 nad NPWS 1/08 in this regard. The Council is also requested to note that work is being jointly undertaken by the DoEHLG and the OPW to prepare guidelines for the consideration of flood risk in the planning process. Development plans may need to be varied to take account of these guidelines.

Response: The variation does not rezone any lands that are included within the River Boyne nad River Blackwater c SAC, these lands currently have an F1 land use zoning objective in the NDP and this variation does not alter this zoning. The lands which form this variation are part of Area Action Plan 2, this area action plan and the variation were screened for SEA. The outcome of the screening report was that SEA was not required. However the Area Action Plan contains an environmental report in appendix 1. The lands the subject of the variation have therefore been fully assessed for ecological and environmental implications of implementation of the variation.

Recommendation: No change recommended.

Submission Number	Name and Address
5	Environmental Protection Agency

Summary: The submission contains the following comments: Wastewater treatment - Zoning for development should be linked to availability of wastewater treatment infrastructure. Zoning for development should be linked to availability of drinking water infrastructure and capacity. Appropriate zoning of lands and restriction of use should apply in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas. The Flood Risk Management approach as adopted by the Office of Public Works (OPW) should be considered, as appropriate, in consultation with the OPW where there is potential risk of flooding in the Plan area.

Given the proximity of the River Boyne and River Blackwater cSAC to the Plan variation area, it is also recommended that the National Parks and Wildlife Service (NPWS) be contacted with regard to screening of the Plan variation for Appropriate Assessment (as required under Article 6 of the Habitats Directive). You are referred to the DOEHLG circular letter – SEA 1/08

& NPWS 1/08 (dated 15/02/08). The Circular specifically requires that any draft land use plan (or amendment/variation) must be screened for any potential impact on areas designated as Natura 2000 sites. In order to determine the requirement for an Appropriate Assessment the following Guidance is suggested:

European Commission, 2000. Managing Natura 2000 Sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art_6_en.pdf

European Commission, 2002. Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

It is understood the Department of the Environment, Heritage and Local Government will be issuing guidance on the implementation of appropriate assessment of plans and programmes.

- Provision of sustainable modes of transport. Development of traffic management measures to reduce the potential for traffic congestion and associated vehicular emissions.
- Promotion of energy conservation measures in buildings. Promotion, where appropriate, of the use of renewable energy systems (e.g. solar, wind, geothermal etc.) within the community.
- Protection of sites and features of archaeological and architectural importance.
- Consideration should be given to re-use, where possible, of brownfield sites for rezoning and development.

Response: The issues raised here are similar to those raised in the DoEHLG submission. The response is therefore very similar. The lands which form this variation are part of Area Action Plan 2, this area action plan and the variation were screened for SEA. The screening report was referred to all environmental authorities. The outcome of the screening report was that SEA was not required. However the Area Action Plan contains an environmental report in appendix 1. The lands the subject of the variation have therefore been fully assessed for likely ecological and environmental implications of implementation of the variation.

Recommendation: No change recommended.

Persons/ Bodies who were informed of the publication of the Proposed Variation under the statutory process.

Assistant Principal,
Spatial Policy,
Department of the Environment, Heritage
& Local Government,
Custom House,
Dublin 1.

Minister for Public Enterprise,
44 Kildare Street,
Dublin 2.

Department of Communications,
Energy & Natural Resources,
Leeson Lane,
Dublin 2.

Mr. John Wynne,
Assistant Principal,
Co-ordination Unit,

Planning Section,
Dept. of Education,
Tullamore,
Co. Offaly.

Office of Public Works
Newtown,
Trim,
Co. Meath.

Bord Failte,
Baggot Street Bridge,
Dublin 2.

Central Fisheries Board
Mobhi Boreen,
Glasnevin,
Dublin 9.

The Secretary for ESB,
ESB Head Office,
27 Lower Fitzwilliam Street,
Dublin 2.

Dublin Transport Office
Floor 3, Hainault House,
69-71 St. Stephens Green,
Dublin 2.

Commissioners of Public Works
51 St. Stephens Green,

Dublin 1.

National Heritage Council,
Rothe House,
Parliament Street,
Kilkenny.

Health Board Executive,
North Eastern Area,
Headfort Place,
Kells,
Co. Meath.

Eastern Regional Fisheries Board,
15A Main Street
Blackrock
Co. Dublin.

National Roads Authority,
St. Martins House,
Waterloo Road,
Dublin 2.

Department of Arts,
Sports & Tourism,
Kildare Street,
Dublin.

An Taisce,
Tailors Hall,
Back Lane,
Dublin 8.

Dublin Regional Authority,
11 Parnell Square,
Dublin 1.

The Manager,
Development Applications Unit,
Department of the Environment
& Local Government,
Dun Sceine,
Harcourt Lane,
Dublin 2.

Minister for Education &
Science,
Secretarial Headquarters,
Marlborough St.,
Dublin 1.

Meath County Development Board,
County Hall,
Railway Street,
Navan,
Co. Meath.

National Parks & Wildlife Service,
Department. of Environment, Heritage
& Local Government,
7 Ely Place,
Dublin 2.

Bus Eireann,
Broadstone,
Dublin 7.

An Taisce,
Gate Lodge,
Bective House,
Balgill,
Navan,
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Mr. John Barry,
Manager of Capital Projects
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Bord Gais Eireann,
Gasworks Road,
Cork.

Mr. Tadhg O'Mahony,
Regional Inspectorate,
Environmental Protection Agency,
Inniscarra,
Co. Cork.