

Chief Executive’s Report

**Submissions received in respect of
Proposed Variation no 3 of the Navan
Development Plan 2009-2015 in accordance
with Section 13(4) (a) of the Planning and
Development Acts, 2000-2018**

August 2019

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Section One Introduction

This report forms part of the statutory process for varying a Development Plan and is prepared under Section 13(4)(a) of the Planning and Development Acts 2000-2018. This report shall include the following:

- (i) *list the persons or bodies who made submissions or observations,*
- (ii) *summarise the following from the submissions or observation made under this section:*
 - (I) *issues raised by the Minister, and*
 - (II) *thereafter issues raised by other bodies or persons*
- (iii) *give the response of the Chief Executive to the issues raised, taking account 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 for the time being of the Government or of any Minister of the Government.*

The key purpose of this Variation is to provide further employment opportunities in Navan in line with the National Planning Framework and objective RPO 4.47 of the Regional Spatial and Economic Strategy which states, ‘Support the development of strategic employment lands on the Trim Rd in Navan, subject to the outcome of appropriate environmental assessment and the planning process’.

This report has three sections as follows:

Section One provides an overview of the statutory process to date and sets out the legislative background and requirements for the preparation of the Chief Executive’s Report under the Planning and Development Acts, 2000-2018.

Section Two contains a full listing of each of the submissions received during the Public Consultation Phase, a summary of the main issues raised in each submission, together with the Chief Executive’s response and recommendations, taking into account the proper planning and sustainable development of the County, the statutory obligations of any local authority in the area and any relevant policies or objectives of the Government or Government Minister.

Section Three contains a full list of persons/bodies informed under the statutory process.

The Report is now formally submitted to the Elected Members for consideration.

1.1 Public Consultation

A copy of the proposed Draft Variation No 3 together with the Strategic Environmental Assessment Screening, Appropriate Assessment Screening and Strategic Flood Risk Assessment reports was available for inspection from Wednesday 19th June until 4pm Friday 19th July 2019 on www.meath.ie, consultmeath.ie and at the following locations:

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

Meath County Library/Navan Branch Library, Railway Street, Navan

1.2 Next Steps

The report of the Chief Executive must be prepared and submitted to the Members of the Planning Authority not later than 8 weeks after given notice of the intention to make the proposed variation. This report is being distributed to the Elected Members of Meath County Council on the 2nd September 2019.

In accordance with section 13(5)(a) of the Planning and Development Acts 2000-2018, the Members of the Planning Authority shall consider the proposed variation and the report of the Chief Executive. The Members shall complete their consideration of the proposed variation and the report of the Chief Executive within 6 weeks of receiving the Chief Executive Report. Following this, the Members must resolve to make the variation to the Development Plan, either with or without the proposed alterations. Material alterations will require a further public display period of 4 weeks.

In making the variation to the County Development Plan, the Members shall be restricted to considering the proper planning and sustainable development of the area to which the Development Plan relates, the statutory obligations of any Local Authority in the area and any relevant policies or objectives of the Government or any Ministers of the Government.

The variation to the County Development Plan shall have effect from the day that the variation is made.

Section Two Submissions Received

10 no. submissions were received during the draft display period.

These were numbered on receipt as shown in the table below.

REF. NO.	FIRST NAME	LAST NAME	COMPANY NAME	KEY ISSUES RAISED
MH-CH15-1			Louth County Council	No observations
MH-CH15-2			Health and Safety Authority Assembly	Identifies key issues to be included & details of the policy & approach to the provision of Land-Use Plans by the HSA.
MH-CH15-3	Adrian	O'Reilly & Family		Rezoning of land to residential.
MH-CH15-4			Environmental Protection Agency	Overview of role & function, compliance with SEA Regulations.
MH-CH15-5			Irish Water	No objection however indicates that water/wastewater availability can only be confirmed through the pre-connection enquiry process.
MH-CH15-6			Health Service Executive	Improving the health and well being of the population of Navan.
MH-CH15-7			Eastern and Midland Regional Assembly	Compliance with the Regional Spatial and Economic Strategy 2019-2031 and other relevant legislation and guidelines.
MH-CH15-8			Transport Infrastructure Ireland	Need for area based transport assessment and consultation. Master plan process highlighted.
MH-CH15-9			Office of Public Works	Most up to date Flood Mapping available highlighted and need to address same.
MH-CH15-10			Office of the Planning Regulator	Compliance with National and Regional Policy.

Each submission is summarised below and the Chief Executive’s response and recommendation to each is provided. All submissions received are available for inspection in the Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath C15 Y291 or online on www.meath.ie.

The Planning and Development Acts 2000-2018 specifically refer to the manner in which the submissions of Eastern and Midland Regional Assembly and Transport Infrastructure Ireland should be dealt with. The issues raised by the Office of the Planning Regulator must also be summarised separately. These submissions will be dealt with at the beginning of this report.

2.1 Summary of Submissions and Chief Executive’s Response and Recommendation

Submission ref. no. MH-C15-7	Eastern and Midland Regional Assembly
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Summary of Main Issues Raised

An overview of the role and function of the Eastern and Midland Regional Assembly (EMRA) is provided along with its legislative requirements. The opinion of EMRA is clearly outlined and it is indicated that the rezoning of the subject lands to E1/E2 Strategic Employment Zones in tandem with the delivery of the local distributor road will allow for the sustainable development of strategic employment lands on the Trim Road as part of a phased master plan, providing additional employment opportunities along with improving connectivity and movement consistent with Regional Policy Objectives 4.42, 4.46 and 4.47. EMRA indicate that Core Region Towns such as Navan has the capacity and future growth potential to accommodate above average growth coupled with the requisite investment in employment creation, services, amenities and sustainable transport. Overall the RSES supports the development of strategic employment lands which will be subject to the appropriate environmental assessment and the planning process, consistent with RPO 4.47.

In conclusion, EMRA indicate that the proposed variation is consistent with the Regional Spatial and Economic Strategy 2019-2031.

Chief Executive’s Response

The comments from EMRA are welcomed, in particular recognition that the proposed Variation is consistent with the Regional Economic and Spatial Strategy.

Recommendation

No change required.

Submission ref. no. MH-CH15-10 Office of the Planning Regulator

Summary of Main Issues Raised

The Office of the Planning Regulator (OPR) outlines their role in terms of ensuring consistency between national, regional and local level statutory plans from the National Planning Framework to the Regional Spatial and Economic Strategies to the Meath County Development Plan. The OPR indicates that the zoning for employment/enterprise on the Trim Road in the proposed Variation is in alignment with the strategic role of Navan provided for in the RSES and will support the future economic growth of the town.

The OPR indicates that the strategic development policies for Navan, including residential and economic development, will be considered as part of the statutory CDP process and that the current Navan Development Plan will be superseded appropriately by this process.

Chief Executive’s Response

The Comments from the OPR are welcomed, in particular, recognition that the proposed Variation is in alignment with the strategic role of Navan provided for in the RSES and will support the future economic growth of the town.

Recommendation

No change required.

Submission ref. no. MH-CH15-8 Transportation Infrastructure Ireland

Summary of Main Issues Raised

The TII indicates that an appropriate area based transport assessment should be carried out in relation to the Masterplan lands the subject of this Variation which incorporates consultation with the relevant stakeholders including TII and NTA prior to adoption. In particular, this transport assessment should be carried out having regard to the range and type of development proposed to be accommodated in the Masterplan area under this Variation.

TII raises concern with the Council’s approach to require developer led Masterplans and draw the Councils attention to the provisions of both the DoECLG Local Area Plan Guidelines and DoECLG Sustainable Residential Development in Urban Areas Guidelines.

TII highlight that the DoECLG Spatial Planning and National Roads Guidelines require that development should be Plan-led and that the promotion of developer led masterplans without consultation and liaison by the local authority with TII and in the absence of strategic transport evidence base is inappropriate and leads to substantial

risks for future development.

Chief Executive’s Response

The Chief Executive considers the approach to developer-led site masterplans to be satisfactory. The preparation of masterplans will be an interactive process with the Planning Authority and represents best practice elsewhere in the GDA. TII, together with other statutory consultees, will be consulted as part of any planning application and Meath County Council will encourage the promoters/developers of these key sites to engage in pre-planning discussions, in order that high level issues can be established and addressed. This master plan, in accordance with established practice, will be approved by the Executive of the Planning Authority.

Recommendation

No change required.

Submission ref. no. MH-CH15-1 Louth County Council

Summary of Main Issues Raised

No observations.

Chief Executive’s Response

Noted.

Recommendation

No change required.

Submission ref. no. MH-CH15-2 Health and Safety Authority

Summary of Main Issues Raised

An overview of the role and function of the HSA is provided.

The Authority expects the planning guidelines to contain the following:

- Indication of planning policy in relation to major accident hazard sites notified under the regulations reflecting the intentions of Article 13 of Directives 2012/18/EU.
- Consultation distances and generic advice, where applicable, supplied by the Authority to Meath County Council in relation to such sites, with these distances being indicated on various maps included in the plan and any more specific distances and advice supplied by the Authority.

- A policy on the siting of new major hazard establishments, taking account of Article 13 and the published policy of the Authority in relation to new developments, including developments in vicinity of such establishments.
- Currently three COMAH establishments in County Meath:
 1. Xtratherm Ltd, Liscarton Industrial Estate, Kells Road, Navan.
 2. Irish Industrial Explosives, Clonagh, Enfield
 3. Grassland Agro, The Pound Road, Slane

Chief Executive's Response

The Authority has no specific observation to make on the draft variation.

Recommendation

No change required.

Submission ref. no. MH-CH15-3	Adrian O' Reilly & Family
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Summary of Main Issues Raised

The submission indicates that the homes are located on their family lands on a number of different folios. The landowners request that these lands be rezoned as residential in compilation and publication of the new development plan.

Chief Executives Response

Existing dwellings are being identified as A1, 'Existing Residential' which reflects the existing use of the individual sites. This Variation relates solely to the provision of additional lands for employment uses. Adding additional A2 'New Residential' land would be contrary to the Core Strategy set down in the Meath County Development Plan 2013-2019. This will be reviewed under the Meath County Development Plan later this year.

Recommendation

No change required.

Submission ref. no. MH-CH15-4	Environmental Protection Agency
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Summary of Main Issues Raised

- An overview of the role and function of the EPA is provided.
- Meath County Council should determine whether or not the implementation of the proposed Variation would be likely to have significant effects on the environment. In this regard reference is made to Schedule 2A of the SEA Regulations (S.I. No. 436 of 2004 as amended by S.I. No. 201 of 2011) which sets

out the ‘Criteria for determining whether a Plan is likely to have significant effects on the environment’.

- A list of available guidance and resources is stated.
- Reference is made to the publication of ‘State of the Environment Report’ – Irelands Environment 2016-An Assessment (EPA, 2016), whereby it is recommended that the recommendations, key issues and challenges described within this report should be taken into account, as relevant and appropriate to the Variation.
- Future amendments to the Variation should be screened for potential for likely significant effects in accordance with the criteria as set out in SEA Regulations Schedule 2A (S.I. No 436 of 2004).
- Reference is made to requirements to comply with the Habitats Directive.
- Reference is made to the requirement to consult with a number of Environmental Authorities.

Chief Executive’s Response

Strategic Environmental Assessment (SEA) represents a key statutory element in the preparation of the proposed Variation. Meath County Council prepared a Screening Statement for SEA which went on public display as part of the Variation. Notice was provided to Environmental Authorities in accordance with Article 13 K(3) of the Planning and Development Regulations 2001, as amended. The SEA screening process concluded that the implementation of Draft Variation No. 3 to the Navan Development Plan 2009-2015, as amended, will not give rise to any adverse environmental effects and therefore, the Draft Variation does not require strategic environmental assessment (SEA). Environmental Assessment is an iterative process thus, any proposed modifications to the proposed Draft Variation will also be subject to SEA assessment.

Meath County Council also carried out an Appropriate Assessment screening. This screening assessment was carried out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). Similar to Environmental Assessment, Appropriate Assessment is also an iterative process thus, any proposed modifications to the proposed Draft Variation will be subject to AA screening.

The seven keys actions identified by the EPA in their recent publication “*Ireland’s Environment – An Assessment 2016*” are key parameters from the Council’s perspective and noted.

Recommendation

No change required.

Summary of Main Issues Raised

Irish Water has no objection to the proposed variation, but advises that they will only be in a position to confirm water and wastewater availability for the site specific new development through Irish Water’s pre-connection enquiry process. Irish Water is available to discuss the submission with the Council and any other issue with respect to the provision of water services within their remit.

Chief Executives Response:

The response by Irish Water is noted. Meath County Council welcomes future consultation with Irish Water in relation to the provision of water services at the subject site and elsewhere within the County.

Recommendation

No change required.

Submission ref. no. MH-CH15-6	Health Service Executive
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Summary of Main Issues Raised

The HSE made their submission under the remit of Healthy Ireland and relevant supporting health strategies. The aim of their submission is to promote incorporation of relevant health actions into the strategic planning of the spatial and built environment of County Meath, with the overall aim of improving health and wellbeing in the population of the County.

Recommended policy documents are highlighted by the HSE as being of relevance to the proposed changes to the Navan Development Plan including Get Ireland Active-National Physical Activity Plan for Ireland, Smarter Travel Policy, National Cycle Policy Framework, Healthy Ireland- A Healthy Weight for Ireland, Sustainable Development, Energy, Research 195: Health Benefits from Biodiversity and Green Infrastructure, Waste management Policy in Ireland, Water, Environmental Noise and Air Quality.

Chief Executives Response

The comments made are noted and due consideration is given by Meath County Council to the stated policy documents in the review of Development Plans.

Chief Executive’s Response:

Noted.

Recommendation:

No change recommended.

Summary of Main Issues Raised

- The 2014 Strategic Flood Risk Assessment Document carried out by JBA Consulting contains National PFRA Flood Extents. While this was considered the most up to date information at the time of their publication OPW have since completed the Catchment Flood Risk Assessment and Management Programme. OPW considers that the latest information should have been acknowledged and used in the SFRA Addendum or in any subsequent assessment.
- There are un-modeled watercourses highlighted in the 2014 SFRA in close proximity to or directly impacted by flooding including the following:
 - Designated New Residential (A2) Lands at Metges Road, Balreask Manor and Canterbrook, Adjacent to Windtown Road and adjacent to the River Blackwater.
 - Mixed Use (C1) adjacent to Metges Road and off Convent Lane and an area North of the Kells Road.
 - High Technology (E1) in the area of Navan Business and Technology Park (IDA).
 - Community Infrastructure (G1) Lands in Johnstown, upstream of Balreask Manor/Canterbrook and North of the River Blackwater.

The OPW recommends that should any development of these lands take place that the most current information and modeling be used as what is within the 2014 SRRA is now out of date.

- The OPW recommend a paragraph be added to the ‘Recommendations’ Section of the SFRA Addendum indicating a comment to adhere to the Planning System and Flood Risk Management Guidelines. OPW acknowledges that this commitment is in the 2014 SFRA but as this document may be read in isolation this commitment should be clearly added in the Addendum.

Chief Executives Response

The comments and observations by the OPW are welcomed. Meath County Council commissioned JBA Consulting to carry out a Strategic Flood Risk Assessment as part of Variation 3 to the Navan Development Plan 2009-2015, as amended.

It should be noted that this Variation is not a review of the entire Development Plan. It relates solely to the change to the WL zoning. New CFRAM information was appraised

here, but with regards to the rest of the settlement this will be updated with revised flood outlines and considered under the forthcoming Draft County Development Plan.

In relation to the adherence with the Planning System and Flood Risk Management Guidelines, this is referenced specifically in WS POL 29 of the County Development Plan 2013-2019, as varied and INF POL 49 of the Navan Development Plan 2009-2015, as varied. Both these policies are specifically referenced in the recommendation section of the SFRA carried out as part of Variation 3 to the Navan Development Plan 2009-2015, as varied and it is considered unnecessary to repeat same.

Recommendation

No change recommended.

Section Three List of persons/bodies informed under the statutory process.

List of Prescribed Bodies Informed of Draft Variation No. 3 to Navan Development Plan 2009-2015	
1.	An Bord Pleanála
2.	An Comhairle Ealaíon (Arts Council)
3.	An Taisce
4.	Inland Fisheries
5.	OPW
6.	Department of Communications, Climate Action and Environment
7.	Department of Culture, Heritage and the Gaeltacht
8.	Department of Business, Enterprise and Innovation
9.	Department of Rural and Community Development
10.	Dublin Airport Authority
11.	IDA
12.	Eastern & Midland Regional Assembly
13.	Electricity Supply Board
14.	Environmental Protection Agency
15.	Fáilte Ireland
16.	Udaras na Gaeltachta
17.	National Transportation Authority
18.	Eirgrid
19.	HSE
20.	Irish Water
21.	Department for Housing, Planning and Local Government
22.	Department of Education and Skills
23.	Department of Defence
24.	Department of Agriculture, Food and the Marine
25.	Northern & Western Regional Assembly
26.	Department of Transport, Tourism and Sport
27.	Health and Safety Authority (HSA)
28.	Heritage Council
29.	Irish Rail
30.	Bus Éireann
31.	Transport Infrastructure Ireland
32.	Bord Gáis
33.	Garda Commissioner
34.	Office of the Planning Regulator
35.	Cavan County Council
36.	Monaghan County Council
37.	Kildare County Council
38.	Offaly County Council

39	Westmeath County Council
40	Fingal County Council
41	South Dublin County Council
42	Dublin City Council
43	Dun Laoghaire Rathdown County Council
44	Wicklow County Council
45	Louth County Council

Section Four Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA).

Draft Variation No. 3 to the Navan Development Plan 2009-2015 was subject to screening for the requirement for Appropriate Assessment (AA) and for the requirement for Strategic Environmental Assessment (SEA). The screening process ruled out any risk of likely significant effects, and therefore concluded that the Draft Variation did not require Appropriate Assessment or Strategic Environmental Assessment.

The only amendment recommended as a result of the submissions and observations is the inclusion of text indicating that Transport Infrastructure Ireland will be consulted as a stakeholder in the formulation of a Master Plan. No zoning changes or other further amendments are recommended as a result of observations and submissions received from the public display of the Draft Variation and associated reports. There is therefore, no requirement for further screening for Appropriate Assessment (AA) or for Strategic Environmental Assessment (SEA).