

Appendix 2

Strategic Policy Guidance and Legislation

This is not intended to read as an exhaustive list of relevant policy documents.

International Context

The European Convention on the Protection of the Archaeological Heritage 1992 - the Valetta Convention.

The Convention provides the basic framework for policy on the protection of archaeological heritage as a source of the European collective memory. The State undertakes to seek to reconcile and combine the respective requirements of archaeology and development plans by ensuring that archaeologists participate in planning policies, development schemes, development plans, environmental impact assessments, and recommendations regarding the retention of elements of the archaeological heritage in-situ.

The Convention for the Protection of the Architectural Heritage of Europe - the Granada Convention 1985.

The Convention was ratified by Ireland in 1997, and recognises that architectural heritage constitutes an irreplaceable expression of the richness and diversity of Europe's cultural heritage which fosters the economic, social and cultural development of states and regions.

Convention on Biological Diversity (1992)

Under the Convention, each country agrees to undertake a number of actions to halt the loss of biodiversity and reduce threats to ecosystems services, including the development of a National Biodiversity Plan or Strategy.

European Landscape Convention

The European Landscape Convention (ELC) – known as the Florence Convention (ETS No. 176) - defines landscape as '**...an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors**', and applies to both rural and urban landscapes. The Convention requires landscape to be integrated

into planning policies and promotes interaction between local and central authorities, and transfrontier cooperation to protect landscapes. The Planning & Development Acts 2000–2011 state that landscape in the Act has the same meaning as in Article 1 of the ELC. The Convention recognises that landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation and is an important part of the quality of life for people everywhere. Article 5 of the Convention states that each Party undertakes:

- a. to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
- b. to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;
- c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph (b) above;
- d. to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Article 6 of the convention details specific measures for each party to undertake including the establishment of procedures for enhanced public participation, awareness raising, training and education, identification and assessment of landscapes, formulation of landscape objectives, and implementation of landscape policies and management instruments.

The Habitats Directive and Appropriate Assessment

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment (AA):

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

This requirement is implemented in the Republic of Ireland by the European Communities (Natural Habitats) Regulations 2011 (SI 477/2011) and the Planning and Development Acts 2000-2012. The DoEHLG published Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities in December 2009 (revised in February 2010).

European Communities (Drinking Water) (No. 2) Regulations (2007)

All drinking water must comply with the European Communities (Drinking Water) (No. 2) Regulations, 2007 which set standards for 48 individual microbiological, chemical and indicator parameters. Water services authorities are responsible for the production, distribution and monitoring of drinking water from public water supplies. Under these regulations the EPA is the supervisory authority for public water supplies. Water services authorities are required to carry out regular monitoring of public water supplies and group water schemes, and submit these results to the Environmental Protection Agency each year for their Annual Report on Drinking Water Quality.

Aarhus Convention

The Aarhus convention lays down a set of basic roles to promote citizens involvement in environmental matters and improve enforcement of environmental Law; its provisions are broken down into three Pillars: Access to information, Public Participation in environmental Decision-making and Access to Justice.

National Context

National Spatial Strategy

At a national level, the National Spatial Strategy outlines the long term (2002-2020) spatial planning framework for the country. It is designed to achieve a better balance of social, economic, physical development and population growth between regions and sets out how Ireland can be spatially structured and developed in a way that is internationally competitive, socially cohesive and environmentally sustainable.

The NSS identifies four key principles for spatial planning:

1. Frameworks for spatial planning of cities around the country and their catchments must be developed and implemented,
2. The county town and large town structure must be strengthened,

3. A renewed emphasis is needed on the potential role of the small town and village structure,
4. Key rural assets must be protected and the local potential of rural areas developed.

A review of the implementation of the NSS, "Implementing the National Spatial Strategy 2010 Update and Outlook", was published in 2010 which outlines development trends since 2002 and challenges for the implementation of the NSS.

The report states that for future settlement patterns "the objective is for better adherence to national and regional policies aimed at delivering better consolidation of urban areas, more focus on developing around public transport corridors, more integrated social and physical infrastructure provision in future developing areas creating more sustainable communities and further diversification and renewal of the rural economy harnessing local assets and natural resources."

Reference is made to the need for careful and strict coordination between land-use planning and transport infrastructure investment in order to achieve the policy targets of the 'Smarter Travel' document. It is noted that the National Transport Authority will assist in achieving greater integration between land use and transport.

Similarly, it is stated that in the future there will need to be much tighter alignment between the River Basin Management Plans, local planning and major Exchequer investment in the water Services Investment Programme. It is also noted that there are opportunities to integrate the legislative framework for planning with the process of designating and protecting Natura 2000 sites.

For towns, villages and rural areas (non hub or gateway centres), the report acknowledges the impact of the current economic downturn and states that maintaining employment opportunity in these areas is crucial as well as investment in re-skilling and job creation strategies.

National Development Plan (2007-2013) & Infrastructure and Capital Investment 2012-2016 Medium Term Exchequer Framework

The National Development Plan (2007-2013) supported Transport 21 (T21) (which ran until 2010) planned investments as part of the overall State strategy. It seeks to 'deliver a radically upgraded public transport system in line with the timetable in Transport 21 especially in the Greater Dublin Area (GDA), but with significant impacts in other areas.

The main projects included of relevance to Meath include:

- Navan Rail Line
- M3 Clonee to North of Kells

The Department of Public Expenditure & Reform published a revised capital programme 'Infrastructure and Capital Investment 2012 – 2016 Medium Term Exchequer Framework in November 2011.' The Capital Investment Programme seeks to address the changed fiscal and budgetary situation in the country. It has deferred certain rail projects from the planning and design stages including the Navan Rail project.

"Sustainable Development: A Strategy for Ireland" (1997)

This provides analysis and a framework to allow sustainable development to be taken forward more systematically in Ireland. It outlines a number of initiatives to facilitate a structural framework for sustainable development at national and local level, and measures to incorporate sustainability considerations into a number of sectoral areas including spatial planning.

A Framework for Sustainable Development for Ireland (Draft for Public Consultation, December 2011)

The objectives of the draft Framework are to identify and prioritise policy areas and mechanisms where a sustainable development approach will add value and enable continuous improvement of quality of life for current

and future generations and set out clear measures, responsibilities and timelines in an implementation plan. The draft Framework draws on the model established by the EU Sustainable Development Strategy and concentrates on gaps where limited progress has been made and which still present formidable challenges.

National Climate Change Strategy 2007-2012

The “National Climate Change Strategy 2007-2012” (Department of the Environment, Heritage and Local Government) details the measures by which Ireland will meet its 2008-2012 commitment to limit growth in greenhouse gas emissions, shows how these measures position the country for the post-2012 period and identifies the areas in which further measures are being researched and developed to enable the achievement of the 2020 commitment.

The Strategy refers to the indirect influence that local authorities can have on emissions in their area through the exercise of their housing, planning and other functions. In particular, decisions by local authorities on the location, design and construction of domestic and commercial developments and of related economic and social activity can have a significant effect on greenhouse gas emissions.

The Strategy document identifies electricity generation from renewable sources as providing the most effective way of reducing the contribution of power generation to Ireland’s greenhouse gas emissions. This highlights the need for the development by Planning Authorities of an appropriate policy approach to renewable energy and spatial planning. In respect of transport, the Strategy notes that recent growth rates in emissions from the sector highlight the need for a broad mix of policies and measures which will achieve a modal shift to public transport, walking and cycling. The contributors to the growth in emissions include urban expansion, reliance on private cars and long distance commuting; all issues which the planning system can address.

The potential for creating more energy efficient and sustainable housing development is also referred to.

The Strategy states that, while the primary focus of the climate change agenda has been the mitigation of greenhouse gas emissions, some climate change is inevitable. Therefore adaptation is a fundamental element of the response to climate change. Adaptation measures include taking climate change into account in assessing flood risk and devising future flood relief measures. A flood risk assessment has been carried out as part of the preparation of the Development Plan and the findings have been incorporated into the policies and objectives of the Plan. The full assessment is included in Appendix 6.

Smarter Travel – A Sustainable Travel Future 2009-2020

“Smarter Travel – A Sustainable Travel Future 2009-2020” details Government policy in the area of transport. Five key goals are set out in the document:

- (i) to reduce overall travel demand,
- (ii) to maximise the efficiency of the transport network,
- (iii) to reduce reliance on fossil fuels,
- (iv) to reduce transport emissions,
- (v) to improve accessibility to transport.

National Cycle Policy Framework 2009-2020

The “National Cycle Policy Framework 2009-2020” is complementary to the aspirations of “Smarter Travel”. The intention of the document is to create a strong cycling culture in Ireland and ensure that all areas are bicycle friendly. It references the role that planning has in supporting and encouraging the use of bicycles and refers to the need for local authorities to have policies, objectives and action plans consistent with the Policy Framework. Several wide ranging objectives to improve the conditions for cycling and to encourage more users of this mode of transport are detailed. A number of these are particularly applicable to planning and include:

- Supporting the planning, development and design of towns and cities in a cycling and pedestrian friendly way. This emphasises the need for more compact, mixed use developments which are permeable and well connected to existing developments, ensuring more direct routes for the more sustainable modes of travel.
- Ensuring that the urban road infrastructure (with the exception of motorways) is designed/retrofitted so as to be cyclist-friendly and that traffic management measures are also cyclist friendly. A new approach is needed to the design of urban roads in which the car does not dominate.
- Providing cycle friendly routes to all schools, adequate cycling parking facilities within schools and cycling training to all school pupils. There must be a special focus on making the trip to school and college safe and attractive for cyclists as part of creating a cycling culture.
- Providing secure parking for bikes. It must be easy for cyclists to park their bikes as close as possible to their destination.

Progressing Rural Public Transport in Ireland 2006

Projections indicate that an estimated 450,000 rural dwellers nationally could have unmet transport needs by 2021, including 250,000 people in key target groups: older people, young people, people on low incomes, and people with mobility, sensory or cognitive impairments. Issues relating to connectivity within the rural hinterland are therefore of relevance to the County and its Development Plan.

Government Policy on Architecture 2009-2015 (2009)

The Government Policy on Architecture 2009-2015 recognises the place of architecture in society as an expression of cultural, aesthetic, and social values, both past and present, and the challenges and expectations of the future in shaping a sustainable quality environment. Its publication comes at a time of increased public interest in these issues and its recommendations include the implementation

of 45 actions by a number of government departments, including the Department of the Environment, Community and Local Government, the Department of Arts, Heritage and the Gaeltacht, and the Department of Education and Science, the Office of Public Works, the Heritage Council, the Arts Council, local authorities and other agencies.

The implementation programme of the Policy will be carried out on the basis of prioritisation of the actions. Recognising that such priorities will be subject to further inbuilt processes and reviews, the timeframe for delivery of individual actions should be seen in the context of the overall timeframe of the Policy, while recognising that many actions will have a lifetime that extends beyond 2015.

The National Inventory of Architectural Heritage (NIAH)

This is a section within the Department of Arts, Heritage and the Gaeltacht. The work of the NIAH involves identifying and recording the architectural heritage of Ireland, from 1700 to the present day. Ministerial recommendations for the addition of structures to the RPS are made on the basis of the evaluations of the NIAH.

Architectural Heritage Protection Guidelines for Planning

The Architectural Heritage Protection Guidelines 2011 are issued under Section 28 and Section 52 of the Planning & Development Acts 2000–2011. Under Section 52(1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives, a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and b) for preserving the character of architectural conservation areas. Guidelines issued under Section 28 of the Act require planning authorities to have regard to them in the performance of their functions.

Water Services Act 2007 as amended

The Water Services Act 2007 incorporates a comprehensive review, update and consolidation of all existing water services legislation, and facilitates the establishment of a comprehensive supervisory regime to ensure compliance with specified performance standards. The Act includes provision to introduce a licensing system to regulate the operations of group water services schemes, amend the Environmental Protection Act 1992 to assign responsibility for supervision of sanitary authority water supplies to the EPA, strengthen administrative arrangements for planning the delivery of water services at national and local level, and place duties of care on users of water services in relation to water conservation, protection of collection and distribution networks, and prevention of risk to public health and the environment.

As per Section 36 of the Water Services Act 2007, Meath County Council, as the Water Services Authority, is required to produce a Water Services Strategic Plan having regard to the proper planning and sustainable development of its functional area. The Plan shall have regard to the provisions of —

- relevant Development Plans, regional or spatial planning guidelines, housing strategies or special amenity area orders, as appropriate, made under the Planning & Development Acts 2000–2011,
- a water quality management plan or a programme of measures made under the Local Government (Water Pollution) Acts 1977 as amended for the area to be covered by the water services strategic plan, or for any other area that could affect that plan,
- a waste management plan under the Waste Management Acts 1996 to 2003 for the area to be covered by the water services strategic plan, or for any other area that could affect that plan,
- river basin management plans and

associated programmes of measures under the EU Water Framework Directive for the area to be covered by the Water Services Strategic Plan, or for any other area that could affect that plan.

Waste Management Acts 1996-2008

Waste management in Ireland is regulated by the Waste Management Acts, 1996 to 2008, which require Local Authorities to prepare detailed plans on the management of waste. It involves the provision of recycling facilities, enforcement of litter legislation, implementation of packaging and other regulations, and the provision of education on all aspects of the environment. As per section 4 of the Waste Management (Amendment) Act 2001, a Development Plan is required to include the objectives of the Waste Management Plan for its area.

Waste Water Discharge Licences/ Authorisations (2007)

Meath County Council is required to obtain a waste water discharge license/certificate of authorisation for every municipal wastewater treatment plant in the County, from the EPA to discharge treated effluent to receiving waters. Since 2007 Meath County Council submitted 40 waste water discharge licenses/ certificates of authorisation to the EPA. Meath County Council is obliged to operate each waste water treatment plant in accordance with the conditions specified in the relevant wastewater license/certificate of authorisation.

The National Monuments Acts 1930 – 2004

The Acts provide for the protection of the archaeological heritage. There are a number of protective mechanisms:

1. Monuments in the ownership or guardianship of the Minister or a local authority or subject to a Preservation Order or Temporary Preservation Order:

All excavation, digging, ploughing or disturbance of the ground in proximity to National Monuments in the ownership or

guardianship of the Minister for Arts, Heritage and the Gaeltacht, or of the Local Authority or subject to a Preservation Order, requires the consent in writing of the Minister (Section 14 as substituted by Section 5 of the National Monuments (Amendment) Act 2004).

The details of National Monuments in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht, or subject to a preservation order, are contained in Appendix 11. In relation to all such sites, Meath County Council recommends that potential developers consult as early as possible with the relevant agencies (such as the National Monuments Service of the Department of the Arts, Heritage and the Gaeltacht) and Meath County Council in order to ensure that archaeological concerns can be integrated into development proposals at as early a stage as possible.

Where necessary, the Minister for Arts, Heritage and the Gaeltacht will make Preservation Orders to ensure protection is afforded to national monument sites believed to be under threat.

2. Monuments on the Register of Historic Monuments established under the Section 5 of the National Monuments (Amendment Act) 1987.

Under the provisions of Section 5(8) of the National Monuments (Amendment) Act 1987 any person who plans to carry out work in the vicinity of a monument recorded on the Register of Historic Monuments must give 2 months notice to the Minister for Arts, Heritage and the Gaeltacht.

Owners of lands on which a monument listed on the Register of Historic Monuments is situated have been notified of the presence of the monument and the legal protection which applies.

3. Monuments on the Record of Monuments and Places (RMP) established under Section 12 of the National Monuments (Amendment) Act 1994.

Structures, features, objects or sites listed in the RMP are known as Recorded Monuments. The RMP also delineates zones of archaeological potential around the core area of certain historic towns to protect their significant archaeological heritage.

Under the provisions of Section 12 of the National Monuments (Amendment) Act, 1994, any person who plans to undertake development work which may impinge upon a Recorded Monument or area of archaeological potential must give 2 months written notice to the Minister for the Arts, Heritage and the Gaeltacht.

Copies of the Record of Monuments and Places for County Meath are available for public consultation in the Council's Planning Department, throughout the network of libraries in County Meath or online at www.archaeology.ie.

Furthermore, Section 26(2) of the National Monuments Act provides that any digging or excavation work for archaeological purposes must be carried out under licence issued by the Minister for Arts, Heritage and the Gaeltacht. Details of archaeological licences and how to apply can be found on the website www.archaeology.ie.

Section 3 of the National Monuments (Amendment) Act 1987 makes specific provisions for the protection of shipwrecks and underwater archaeological objects. Meath's rivers and tidal estuaries may contain such objects and any development within these areas should take into consideration the potential for archaeological discoveries.

Apart from the National Monuments Acts The Department of Arts, Heritage and the Gaeltacht, formerly the Department of the Environment, Heritage and Local Government, has issued a number of key policy or guidance documents on archaeological heritage including:

Framework and Principles for the Protection of the Archaeological Heritage (1999); Policy and Guidance on Archaeological Excavation (1999)

A National Policy on Town Defences was published in 2008, which states that the known and expected circuits of the defences (both upstanding and buried, whether of stone or embankment construction) and associated features of all town defences are to be considered a single national monument and treated as a unit for policy and management purposes. There should be a presumption in favour of preservation in-situ of archaeological remains and preservation of their character, setting and amenity. Town walls and defences survive to a greater or lesser extent in the towns of Trim, Kells, Navan and Athboy.

Ministerial Guidelines

The provisions of the Planning & Development Acts 2000–2011 allow for the issuing of guidelines by the Minister for Environment, Community and Local Government to Planning Authorities regarding their functions, which the authorities must have regard to in the carrying out of their functions. A large number of these guidelines have been issued addressing a range of topics including development management, Development Plans, childcare facilities, retail development, the provision of schools and the planning system, architectural heritage protection, quarries and ancillary facilities and residential development in urban areas.

Section 28(1B) of the Planning & Development Acts 2000–2011 requires that a statement be appended to the Development Plan which demonstrates how the Planning Authority has implemented the policies and objectives contained in the Ministerial guidelines when considering their application to the Development Plan area. Section 28(1B) also requires that the statement should demonstrate, if applicable, that the Planning Authority has formed the opinion that it is

not possible, because of the nature and characteristics of the Development Plan area or a part thereof, to implement certain policies and objectives of the Minister contained in the guidelines when considering the application of the those policies in the Development Plan area and must give reasons for the forming of this opinion and why the policies and objectives of the Minister have not been implemented.

The statement as required under Section 29(1B) is included as Appendix 18 of the Development Plan.

Regional Context

Regional Planning Guidelines for the Greater Dublin Area 2010-2022

The Regional Planning Guidelines (RPG's) is a policy document which aims to direct the future growth of the Greater Dublin Area over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS) published in 2002. It achieves this through appraisal of the critical elements involved in ensuring sustainable and good planning, and through the protection of sensitive and environmentally important locations. The RPGs inform and direct the City and County Development Plans of each of the Councils in the Greater Dublin Area. They provide the clear policy link between national policies - the National Development Plan and the National Spatial Strategy and other national policy documents and guidance; and Local Authority planning policies and decisions. The RPGs aid each of the Councils in the Greater Dublin Area in working together for the better planning of the whole area of Dublin and the surrounding Mid-East Region.

The core principles underlying the 2010 Regional Planning Guidelines are that:

- The Dublin and Mid-East regions will be attractive, vibrant locations for industry, commerce, recreation and tourism and will be a major focus for economic growth within the country.

- The Greater Dublin Area (GDA), through its ports and airport connections will continue to be the most important entry/exit point for the country as a whole, and as a Gateway between the European Union and the rest of the world. Access to-and-through the GDA will continue to be a matter of national importance.
- Development in the GDA shall be directly related to investment in integrated high quality public transport services and focused on compact urban form.
- Development within the existing urban footprint of the Metropolitan Area (in Meath this relates to the electoral divisions of Dunboyne and Rodanstown, which includes the environs of Maynooth and Kilcock) will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built up areas providing for well designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike.
- Development in the Hinterland Area (which relates to the remainder of Meath excluding the electoral divisions of Dunboyne and Rodanstown) will be focused on the high quality integrated growth and consolidation of development in key identified towns, separated from each other by extensive areas of strategic green belt land devoted to agriculture and similar uses. These towns will have high levels of employment activity, high order shopping and full range of social services, with good road and bus linkages to other towns and by high quality public transport to the City and play key roles in serving the surrounding rural communities and smaller towns and villages.

The RPGs provide a framework for, and policy guidance to, local authorities in the areas of

settlement patterns, population and housing targets, economic development, infrastructure, rural development, flood risk, heritage, green infrastructure, the environment and social infrastructure.

National Transport Authority – Draft ‘Transport Strategy for the Greater Dublin Area 2010-2030’

The National Transport Authority has a statutory obligation to prepare a Strategic Transport Plan for the Greater Dublin Area. A draft strategy document has been prepared and public consultation on the draft concluded on 11th April 2011. The strategy is of relevance to the Meath County Development Plan as according to section 9(6A) of the Planning and Development Acts 2000-2012, each Planning Authority in the GDA must ensure that its Development Plan is consistent with the transport strategy of the Authority.

The draft strategy document constitutes a strategic transport plan for the GDA for the next 20 years. A number of fundamental tenets underlie the draft strategy objectives. These include the adoption of a hierarchy of transport users with pedestrians, cyclists and public transport users at the top of the hierarchy. Consequently these users should have their safety and convenience needs considered first. A second key principle is the requirement that land use planning and transport planning need to be considered together in the overall development of the GDA region.

The land use measures set out in the strategy seek to:

- Focus person-trip intensive development, particularly key destinations such as retail and offices, into Dublin City and Designated Town centres within the GDA (for Meath these equate to the Large Growth Towns I identified in the Regional Planning Guidelines for the Greater Dublin Area 2010, i.e. Navan and the Drogheda environs); and
- Focus any person-trip intensive development outside Dublin City and

Designated Town centres to locations served by stations on the existing and proposed rail network (particularly Metro and DART).

As per the Draft Strategy development densities should be higher in these areas. In addition, intensive development should

also take place in areas well served by rail. Development should take place at these locations in advance of other locations. The Strategy identifies that mixed use development will be the primary pattern of growth in all areas, with an emphasis on commercial uses in centres, and on residential uses in other areas served by public transport.