

**APPENDIX 5
STATEMENT PURSUANT
TO SECTION 28 OF THE
PLANNING & DEVELOPMENT
ACT 2000 (AS AMENDED)**



STATEMENT PURSUANT TO SECTION 28 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

Pursuant to Section 28 of the Planning and Development Act 2000 (as amended) it is a requirement of the Planning Authority to append a statement to the development plan demonstrating:

- i. How the planning authority has implemented the policies and objectives of the Minister contained in the guidelines when considering their application to the area or part of the area of the development plan, or
- ii. If applicable, that the planning authority has formed the opinion that it is not possible, because of the nature and characteristics of the area or part of the area of the development plan, to implement certain policies and objectives of the Minister contained in the guidelines when considering the application of those policies in the area or part of the area of the development plan or the development plan and shall give reasons for the forming of the opinion and why policies and objectives of the Minister have not been so implemented.

The required statement pertaining to the Kildare County Development Plan 2017-2023 is as follows:

Architectural Heritage Protection Guidelines (2004, reissued by DAHG 2011)

Chapter 12 Architecture and Archaeological Heritage addresses architectural and archaeological protection and conservation. The Plan lists structures on the Record of Protected Structures, identifies Architectural Conservation Areas and Zones of Archaeological Potential. The chapter also contains policies and objectives relating to vernacular architecture and country houses and demesnes. The Guidelines informed the objectives relating to the protection of the County's architectural and archaeological heritage.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)

The preparation of the Development has had regard to this guidance document, in particular the Appropriate Assessment undertaken for the plan making process.

Sustainable Residential Development in Urban Areas (2009)

Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas, 2009 has been considered in the context of Chapter 3 Settlement Strategy, Chapter 4 Housing, Chapter 17 Development Management and Volume 2 Land Use Plans. These chapters contain specific policies and objectives in relation to the scale and location of new residential development, the need for high quality design of residential areas and the use and development of infill, greenfield and brownfield sites.

Urban Design Manual - Best Practice Guidelines (2009)

This companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is implemented in Chapter 4 Housing, Chapter 15 Urban Design and Chapter 17 Development Management Standards with respect to housing and other urban developments.

Childcare Facilities – Guidelines for Planning Authorities (2001)

Chapter 11 Social Community and Cultural Development and Chapter 17 Development Management both address the issue of Childcare Facilities. Policies and objectives for childcare and pre-school facilities are set out in the Plan, along with guidance on the most appropriate locations for such facilities, having regard to the recommendations and requirements of the guidelines.

Design Manual for Urban Roads and Streets (2013)

Chapter 6 Movement and Transportations incorporates the provisions of this guidance document. It includes policies and objectives that require all urban roads to accord with its principles, approaches and standards. In addition, Chapter 4 Housing, Chapter 15 Urban Design and Chapter 17 Development Management all require development to reference and incorporate the provisions of the Design Manual.

Development Contribution Guidelines (2013)

These guidelines are not relevant to the preparation of the County Development Plan; the provisions of the Plan and its implementation, including aspects such as the settlement strategy and infrastructural objectives, form the basis of the preparation of the Development Contribution Scheme.

Development Management - Guidelines for Planning Authorities (2007)

Chapter 17 Development Management Standards has been prepared having reference to the Development Management Guidelines. This chapter addresses issues arising in the Development Management process in relation to enforcement, failure to comply with previous planning permissions, development contributions, environmental impact assessment, appropriate assessment, pre-application discussions, bonds and digitized planning applications.

Development Plan - Guidelines for Planning Authorities (2007)

These guidelines have informed the preparation of this Plan. Section 4.13 of the guidelines requires that “the amount of land to be zoned for any particular land use must be clearly based on and justified by a realistic assessment of need”. The Core Strategy (Chapter 2) and Settlement Strategy (Chapter 3) identify a detailed settlement hierarchy for the County together with their designated role. The Development Plan also sets out the planning framework for the future development of each of the towns/villages/settlements and rural areas, which is based on evidence led approach and has been informed by National and Regional Planning Policy.

Guidelines for Planning Authorities & An Bord Pleanála on carrying out Environmental Impact Assessment (2013)

Chapter 17 of the Plan acknowledges that Environmental Impact Assessment will be required on certain developments, and that the Council will assist developers in scoping Environmental Impact Statements. However the provisions of these Guidelines are not otherwise relevant to the preparation of the Plan.

Implementing Regional Planning Guidelines- Best Practice Guidance (2010)

These guidelines set out the requirements arising from the Planning and Development Act 2000 (as amended) that the County Development Plan be consistent with the RPGs, and demonstrate this through an evidence based Core Strategy. Chapter 2 Core Strategy and Chapter 3 Settlement Strategy implement the provisions of these guidelines and demonstrate that the population levels and zoning requirements are consistent with the objectives of the RPGs.

Landscape and Landscape Assessment (2000)

Chapter 14 Landscape, Recreation and Amenity sets out a Landscape Character Assessment for the County (based on an assessment of land cover, landform and values) along with sensitivities for each category. Policies and objectives reflecting the need to ensure that that development is in accordance with the guidance on landscape, with particular regard to the principal landscape character areas of the County and the proximity to landscape sensitivity factors is contained throughout the Plan including in Chapter 17 Development Management Standards.

Local Area Plans - Guidelines for Planning Authorities (2013)

The policies and objectives contained in these guidelines will be implemented during the preparation of Local Area Plans (LAPs). The settlements for which LAPs will be prepared are set out in the County Development Plan Chapter 2 Core Strategy and Chapter 3 Settlement Strategy but the guidelines are not directly relevant to the County Development Plan preparation process.

Provision of Schools and the Planning System (2008)

Chapter 11 Social, Community, and Cultural Development addresses education provision in the County. Policies and objectives contained in this chapter have regard to the recommendations and requirements of this guidance document, and also the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009*, which highlights the importance of schools and their provision in tandem with residential development.

Quality Housing for Sustainable Communities – Best Practice Guidelines (2007)

Policies and Objectives contained in Chapter 4 Housing and Chapter 17 Development Management Standards have regard to these guidelines, in terms of the efficient use of land, infrastructure and energy, the design and orientation of dwellings, the optimum use of renewable sources of energy and the use of scarce natural resources in construction, maintenance and management of dwellings.

Quarries and Ancillary Activities (2004)

Chapter 2 of this guidance document outlines development plan policies and objectives in relation to quarries. Its content is reflected in Chapter 10 Rural Development of the Plan, which details policy on sand and gravel extraction, and the need to have regard to these guidelines. Chapter 17 Development Management Standards contains requirements for the extractive industry and reflects the guidelines in terms of the content of planning application and conditions of planning permission. Part B of the guidance document is reflected in Section 10.7.5 Registration of Quarries.

Retail Planning - Guidelines for Planning Authorities and accompanying Retail Design Manual (2012)

Chapter 9 of the Plan addresses retail in the context of County Kildare. The policies and objectives of the chapter have been informed by the Retail Strategy for the Greater Dublin Area 2008-2016 and the Core and Settlement Strategy for the County. This chapter sets out the County Retail Hierarchy aligned with the Settlement Strategy. The boundaries of the core shopping areas are provided along with a broad assessment of the requirement for additional retail floorspace. Strategic guidance, by way of policies for settlements, is given, including the identification of key sites. Chapter 9 and Chapter 17 include development management

criteria for the assessment of retail developments in accordance with these guidelines, and include reference to the Retail Design Manual. Improvements to retail areas in terms of accessibility of and public realm improvements form part of land use plans in Volume 2.

Spatial Planning and National Roads - Guidelines for Planning Authorities (2012)

Chapter 2 of this guidance document sets out overall recommended content for development plans in terms of national roads. Chapter 2 Core Strategy and Chapter 3 Settlement Strategy of the Plan, aim to ensure that transport and settlement patterns mutually support each other. Chapter 6 Movement and Transportation contains policies and objectives which protect the capacity and efficiency of national roads and associated junctions, and provide for protection of routes for future schemes. Other policies such as encouraging walking, cycling and public transport are also included within Chapter 6. Chapter 17 Development Management Standards has regard to the provisions of the guidelines relating to development applications on national roads, traffic and transport assessment, signage etc.

Sustainable Urban Housing: Design Standards for New Apartments (2015)

This document has been implemented in the Plan in Chapter 4 Housing, Chapter 15 Urban Design and Chapter 17 Development Management Standards. It is reflected in the detailed guidance on apartment developments in Chapter 17 where specific standards from this guidance document are also specified.

Sustainable Rural Housing - Guidelines for Planning Authorities (2005)

Chapter 4 Housing sets out the rural housing policies for the County and incorporates the recommendations of these guidelines and accompanying map. Chapter 16 Rural Design outlines guiding principles for potential applicants proposing to build, renovate or extend individual houses in rural County Kildare.

Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)

The provisions of this guidance document, as updated by Circular PL 07/12, are implemented in Chapter 8 Energy and Communications and Chapter 17 Development Management Standards. Detailed guidance on planning applications and assessment of same is contained in Chapter 17.

The Planning System and Flood Risk Management Guidelines (2009)

A Strategic Flood Risk Assessment (SFRA) has been carried out for Co. Kildare in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009* (and technical appendices) and is contained within the Environmental Reports accompanying this Plan. The SFRA is a county-wide assessment of flood risk to inform strategic land use decisions with the purpose of ensuring that flood risk management is fully integrated into the Development Plan. Policies and objectives in relation to flood risk are also included in Chapter 7 Infrastructure of the County Development Plan. Specific flood risk assessment requirements have been identified for particular lands within the Small Towns, Environs, Villages and Settlements contained in Volume 2 Land Use Plans. The land use plans set out in Volume 2 and the provisions of Chapter 17 also implement these guidelines.

Tree Preservation Guidelines

Chapter 13 lists Tree Preservation Orders in County Kildare and the chapter also contains further guidance and policy on tree protection. Chapter 17 contains requirements for tree surveys and protection of trees as part of the development management process.

Wind Energy – Development Guidelines for Planning Authorities (2006)

Chapter 8 Energy and Communications has been formulated having regard to the Wind Energy Guidelines for Planning Authorities, 2006. Policy is to encourage the development of wind energy in suitable locations in an environmentally sustainable manner and in accordance with Government policy. It is an objective to prepare a Wind Energy Development Strategy and to publish it as a proposed variation of the plan following the completion of the review of the DECLG's Wind Energy Development Guidelines.

The Kildare County Development Plan 2017-2023 has been informed by the foregoing Guidelines and has incorporated the relevant policies and objectives as contained therein.

KILDARE COUNTY COUNCIL

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