

## **Appendix IV**

**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 draft 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 draft 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 draft 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.

### **STATEMENT**

Guidelines issued for Planning Authorities issued by the Minister for the Environment, Heritage and Local Government, pursuant to Section 28 of the Act are addressed in the following paragraphs:

#### **(a) Architectural Heritage Protection Guidelines**

Chapter 12 of the Draft Plan addresses architectural and archaeological protection and conservation.

Policies and objectives contained within this plan have regard to various legislative provisions and policy guidance documents, including, the Planning and Development Acts 2000-2010, Architectural Heritage Protection Guidelines 2004 and the National Inventory of Architectural Heritage.

The Draft Plan lists 161 structures on the Record of Protected Structures in Table 12.2, identifies an ACA boundary and a Zone of Archaeological Potential. This chapter also includes policies under Sections 12.6 to 12.9 relating to the retention and re-use of older buildings not on the RPS, alterations/extensions to protected structures, development within the ACA, industrial and vernacular heritage.

#### **(b) Childcare Facilities**

Chapter 10, Social, Community and Cultural Development and Chapter 15 Development Management Standards both address the issue of Childcare Facilities. Section 10.10 of Chapter 10 outlines the most appropriate locations for childcare facilities in addition to policies which have regard to the recommendations and requirements of the Childcare Facilities: Guidelines for Planning Authorities 2001 and the Child Care (Pre-School Services) Regulations 1996.

Section 15.4 of Chapter 15 sets out the development management standards regarding provision of childcare facilities and requires all childcare facilities shall be provided in accordance with the Childcare Facilities: Guidelines for Planning

Authorities, 2001 (DoEHLG) and the Child Care (Pre-School Services) Regulations 1996.

**(c) Design standards for new apartments**

Chapter 4 Housing and Chapter 15 Development Management Standards addresses design standards for new apartments. Section 15.3.4 of this chapter further states that all planning applications for apartments in Athy shall be assessed against the recommendations and requirements of the DoEHLG Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments. Standards for apartment developments are set out under this section in relation to minimum floor area and storage requirements, access, public and private open space provision, car parking, management companies, etc.

**(d) Development Plan- Guidelines for Planning Authorities**

The Development Plan Guidelines for Planning Authorities have informed the preparation of this Draft 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”. As identified in Section 2.5 and also in Table 16.3 of the draft plan, the level of zoning for residential purposes as adopted significantly exceeds lands required to comply with the projected demands over the period of the plan 2012-2018.

**(e) Provision of Schools and the Planning System**

Chapter 10 Social, Community and Cultural Development, Section 10.9 addresses the issue of School Facilities in Athy. Policies contained in this chapter have regard to the recommendations and requirements of The Provision of Schools and the Planning System, a Code Practice for Planning Authorities, 2008 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. This Section recognises the policies and objectives set out in these guidelines as being of central importance to the provision of school facilities in the town.

**(f) Retail Planning Guidelines**

Chapter 6 of the Draft Plan solely addresses retail in the context of Athy. The policies and objectives of the chapter have been informed by the Retail Strategy for the Greater Dublin Area 2008-2016, the Draft Kildare County Retail Strategy 2010 and the Draft County Development Plan 2011-2017. In particular the chapter has regard to the town’s designation as a Level 3 Sub County Town Centre in the County Retail Hierarchy. The Retail Chapter seeks to fulfill Athy’s role in the GDA Retail Strategy through strategic policy recommendations in relation to the Core Retail Area, Sequential Approach, Enhancement of the Town Centre, District and Neighbourhood Centres, Business Parks and Employment Areas, Innovation etc.

**(g) Sustainable Rural Housing Guidelines**

Section 4.9 of Chapter 4 Housing, sets out the rural housing policy which shall be applied to lands zoned for Agricultural uses. These policies incorporate the recommendations of the DoEHLG, Sustainable Rural Housing: Guidelines for

Planning Authorities, 2005. The primary aim for the agricultural zone in Athy is to preserve the existing agricultural use of the areas zoned for this purpose and to prevent urban-generated development.

#### **(h) Sustainable Residential Development in Urban Areas**

Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas, 2009 has been considered in the context of both Chapter 4 Housing and Chapter 15 Development Management Guidelines. These chapters have been prepared having reference to the guidelines and detail specific policies and objectives in relation to high quality design of residential areas, the use and development of infill, greenfield and brownfield sites etc

#### **(i) The Planning System and Flood Risk Management**

Chapter 8, Water, Drainage and Environmental Services and Chapter 16 Land Use Zoning of the draft plan has been carried out in context of The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009.

In accordance with the above guidelines a Strategic Flood Risk Assessment accompanies the draft plan and clearly shows the 100 year and 1000 year flood lines for the town. Specific policies in relation to flood risk are included under Sections 8.6, 8.8, 8.9 of the draft plan. Specific reference to individual sites potentially affected by flooding is included in Table 16.2 Land Use Zoning Objectives of the draft plan.

#### **(j) Wind Energy**

Chapter 9 Energy and Communications has been formulated having regard to the Wind Energy Guidelines for Planning Authorities, 2006. Section 9.7 of the draft plan references wind energy in the context of supporting the development of renewable energy resources in Athy.