

# 15

## Development Management Standards



## Chapter 15 Development Management Standards

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## **15.1 Background**

Development management is a statutory process that ensures that development takes place in an orderly and efficient manner. Specific control measures are outlined to ensure that new development is of high quality and relates to the character, scale, layout, and form of the area in question. Development will be managed by means of established and proven principles aided by guiding standards, in particular guidelines issued to the Planning Authority by the Minister regarding its functions, under Section 28 of the Planning and Development Act 2000 (as amended).

There is an obligation on the Council to ensure that permissions granted under the Planning Acts are consistent with the policies and objectives set out in this Plan. This chapter focuses on the general planning standards and design criteria that will be applied by the Council to ensure that future development is in accordance with these policies and objectives.

The granting of planning permission does not in itself enable development to commence. There may be other legal and procedural requirements to consider, including property title, building regulations, public health acts, fire regulations, air and water pollution legislation.

### **15.1.1 Enforcement**

To ensure the integrity of the planning system is maintained and it operates for the benefit of the whole community, the Council will take enforcement action in cases of unauthorised development, where appropriate, as resources allow, consistent with the provisions of Part VIII of the Planning and Development Act 2000 (as amended).

Under planning legislation any development which is not specifically exempt development requires planning permission and development which does not have that permission is unauthorised development, as is development which has been, or is being, carried out in breach of conditions specified in a planning permission.

In carrying out its enforcement functions, the Council may issue Warning Letters and/or Enforcement Notices or take injunctive proceedings pursuant to Section 160 of the Planning and Development Act 2000 (as amended).

Proceedings for non-compliance with an Enforcement Notice will be taken in the District Court in most cases. However, where appropriate, injunctions will be sought in the Circuit Court or High Court. In all cases involving legal proceedings the Council will seek to recover its costs, in addition to any fines imposed by the courts.

Furthermore, the Planning Authority has special control powers under current legislation pertaining to such areas as protected structures and tree preservation orders. In addition, the Planning Authority will continue the practice of granting planning permission with the inclusion of conditions requiring levies and / or bonds, where appropriate, to be paid to ensure compliance with the conditions of the permission. The provisions of Section 35 of the Act may be evoked where appropriate.

### **15.1.2 Non-Conforming Uses**

Throughout the county there are uses that do not conform to the zoning objectives for that area. These are uses that:

1. Were in existence on 1st October 1964
2. Have valid permissions; or
3. Have no permission but exceeded the time limit for enforcement proceedings.

Extensions to and improvement of premises referred to in categories 1 and 2 above may be permitted. This would apply where proposed development would not be seriously injurious to the amenities of the area and would not prejudice the proper planning and sustainable development of the area.

### **15.1.3 Material Contravention**

The Council has a statutory obligation to take such steps as may be necessary to secure the objectives of the County Development Plan. In appropriate circumstances the Council may permit a material contravention of the County Development Plan.

The granting of a permission that materially contravenes the County Development Plan is a reserved function of the Elected Members of the Council, or the Municipal District as appropriate, exercisable following a public consultation process and consideration of a report prepared by the Chief Executive.

### **15.1.4 Development Contributions**

The Council, taking into consideration the capital expenditure necessary for the provision of public infrastructure and facilities, will require the payment of financial contributions in accordance with the Development Contributions Scheme.

Developers may also be required to carry out works at their own expense to facilitate their development and these will be specified as a condition of their planning permission.

### **15.1.5 Environmental Impact Assessment**

Environmental Impact Assessment (EIA) is a key instrument of EU environmental policy. The primary purpose of the EIA Directive (Directive 2011/92 EU as amended by 2014/52/EU) is to ensure that public and private projects, which are likely to have significant effects on the environment are granted permission only after an assessment of the likely significant environmental effects of those projects have been carried out. The environmental factors against which projects should be assessed are set out in Article 3 of the Directive as:

- Population and Human Health
- Biodiversity
- Land and Soil
- Water
- Air and Climate
- Material Assets

- Cultural Heritage and Landscape, and
- The Interaction between these factors

Environmental Impact Assessment is a process to be undertaken in respect of applications for specified classes of development listed in the Directive before a decision in respect of development consent is made. The process involves the preparation of an Environmental Impact Assessment Report (EIAR) by the applicant, consultations with the public, relevant prescribed bodies and any other affected Member States, and an examination and analysis of the EIAR and other relevant information leading to a reasoned conclusion by a competent authority, on the likely significant effects of the proposed development on the environment.

The Planning and Development Regulations, 2001 (as amended), specify mandatory thresholds above which Environmental Impact Assessment Reports (EIARs) are required in relation to certain types and scales of development proposals. Where it appears to the Planning Authority that a development proposal that falls below the threshold set out in the Planning and Development Regulations would be likely to have a significant environmental effect<sup>1</sup>, a subthreshold/discretionary EIAR will be required by the Planning Authority.

#### **15.1.6 Appropriate Assessment**

All plans or projects, including the Council's own proposals under Part 8 of the Planning and Development Regulations 2001 (as amended), unless they are directly connected with or necessary to the management of a European (Natura 2000) site, are required to be subject to screening for Appropriate Assessment, to determine if they are likely to have a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects.

Full Appropriate Assessment must be carried out unless it can be established through screening that the plan or project in question will not have a significant effect on the Natura 2000 Site.

Planning permission will only be granted for a development proposal that:

- Either individually or in combination with existing and/or proposed plans or projects, will not have a significant effect on a European Site, **OR**
- Where such a development proposal is likely or might have such a significant effect (either alone or in combination), the Planning Authority will, as required by law, carry out an Appropriate Assessment as per requirements of Article 6(3) of the Habitats Directive 92/43/EEC of the 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as transposed into Irish legislation.

Only after having ascertained that the development proposal will not adversely affect the integrity of any European site, will the Planning Authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.

<sup>1</sup> The criteria for determining whether a development would or would not be likely to have significant effects on the environment is set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended).

A development proposal which could adversely affect the integrity of a European site may only be permitted in exceptional circumstances, as provided for in Article 6(4) of the Habitats Directive as transposed into Irish legislation.

#### **15.1.7 Pre-Application Discussions**

Section 247 of the Planning and Development Act, 2000 (as amended) provides a formal procedure for applicants to seek pre-planning guidance from the Planning Authority in relation to proposed developments. The Planning Authority provides pre-application consultations when requested and actively encourages such consultations prior to the lodging of a planning application.

A prospective applicant shall have consulted with the Planning Authority in respect of development that comprises:

- Residential development of more than 10 housing units
- Non-residential development of more than 1,000 sq. meters gross floor space.
- Other development as may be prescribed in legislation.

The Council will encourage and actively facilitate pre-planning discussions through individual meetings / planning clinics / emails / phone calls / remote meetings as deemed appropriate. The carrying out of consultations shall not prejudice the performance by the Council of any other of its functions under the Planning and Development Act 2000 (as amended), or any regulations made under the Act, and cannot be relied upon in the formal planning process or in legal proceedings.

#### **15.1.8 Bonds**

To ensure the satisfactory completion of development works, such as roads, surface water drainage, public lighting, landscaping and open space, including the protection of trees / hedgerows, on a site subject of a grant of permission, a bond or cash lodgement may be required until the development is deemed to have been satisfactorily completed. The bond or cash lodgement may be sequestered in part or in its entirety at the discretion of the Planning Authority where the development has not been satisfactorily completed to the exacting standards of the local authority, or until the development is taken in charge by the local authority. The amount of such bond or cash lodgement will be determined by the local authority. In determining the method of security, previous records of applicants' compliance and construction standards will be considered. This bond or security must be adequate to secure the completion of the development and must be in place before development is commenced.

#### **15.1.9 Digitised Planning Applications and ICT**

The Council will require all applications over three housing units and all commercial developments to provide site drawings to fit into National Grid Co-ordinates to comply with the requirements for Geographical Information Systems (GIS) mapping and inventory. It is envisaged that the Department of Housing, Local Government and Heritage will bring forward regulations and guidelines to permit the lodging of planning applications electronically.



## 15.2 General Development Standards

### 15.2.1 Site Coverage and Plot Ratio

Traditionally, site coverage and plot ratio were used as tools to measure and control the extent of development. Site coverage relates to the percentage of the development site covered by buildings and structures (excluding the public roads and footpaths) and is calculated using the formula below:

$$\text{Site Coverage} = \frac{\text{Total area of ground covered by buildings}}{\text{Total ground area within the site curtilage}}$$

Plot ratio refers to the relationship between the extent of development proposed as a quotient of the total site area and is calculated using the formula below:

$$\text{Plot Ratio} = \frac{\text{Gross building floor area}}{\text{Gross site area}}$$

Appropriate site coverage and plot ratio will now be considered on a qualitative basis, rather than quantitative, having regard to the quality of design, response to site context (including sensitivity to Architectural Conservation Areas where applicable) and potential impacts on the surrounding environment. Higher levels of development may be permissible in certain limited circumstances such as:

- Locations adjacent to public transport corridors
- Locations identified for regeneration purposes
- When an appropriate mix of uses are proposed.
- Where exceptional design is achieved, meeting the requirements of Chapter 14.6 of this Plan and the Urban Design Manual – A companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Sustainable Urban Housing; Design Standards for New Apartment Guidelines (2020) where applicable.

In considering applications for redevelopment of existing sites, due regard will be given to the established site coverage.

### 15.2.2 Overlooking / Separation Distances

Traditionally a minimum distance of 22m is required between directly opposing first floor windows. However, in cases of innovative design, where overlooking into habitable rooms does not occur, this figure may be reduced, subject to the protection of adjoining residential amenities and privacy, the quality of design and adherence to the Sustainable Urban Housing: Design Standards for New Apartment Guidelines (2020) where applicable.

A greater separation distance may be required for taller buildings (e.g., apartment developments and those over three storeys high). A separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors. In some cases, subject to design orientation, and location in built up areas, reduced separation distances may be acceptable.

A minimum distance of 2.3 metres shall be provided between the side walls of adjacent dwellings or dwelling blocks with each building being a minimum of 1 metre from the boundary to allow for adequate maintenance and access.

In all instances where minimum separation distances are not met, the applicant shall submit a sunlight/daylight/overshadowing analysis for proposed developments. In keeping with the principle of compact development and the desire for town and village renewal, where such instances occur within established urban areas and in particular town centres, a level of flexibility may be applied by the Planning Authority. Any relaxing of standards will be assessed on a case-by-case basis and should not be viewed as a precedent for future development.

Adequate separation distances will be required for buildings overlooking school playgrounds or other sensitive land uses. These will be determined at planning application stage. Innovative design solutions to avoid undue overlooking will be encouraged.

### **15.2.3 Overshadowing**

High levels of daylight and sunlight provide for good levels of amenity for residents. The internal layout of residential units should be designed to maximize use of natural daylight and sunlight.

All new developments are required to have regard to the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011)* and British Standard (B.S.) 8206 *Lighting for Buildings, Part 2, 2008: Code of Practice for Day Lighting* or other updated relevant documents. Where an applicant cannot fully meet all of the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which will be considered by the planning authority on a case-by-case basis.

### **15.2.4 Soft Landscaping**

Planting and landscaping should be used to incorporate new buildings into their surroundings and provide privacy between dwellings. New planting should consist of local native plant types with consideration given to providence and origin of plants indigenous to the area. The planting should be incorporated into the site to enhance overall appearance, to conserve biodiversity (Refer to Table 15.1) and to contribute to the green infrastructure of the area.

The Planning Authority will require the following in relation to site development and landscaping works:

- The planting of semi-mature trees<sup>2</sup> depending on location and circumstances. Proposals to provide semi-mature trees of appropriate species (as set out in Table 15.1) in suitable prominent locations within a development site will be considered favourably.
- Existing trees (particularly mature trees) and hedgerows shall be retained and incorporated into the design of development layouts, e.g., in public / private open space and at boundaries. Measures to protect the trees with secure fencing (prior to any site or engineering works commencing) shall be indicated on a site management plan.
- A detailed replanting proposal shall be submitted should the removal of hedges / trees be required during development, those to be removed shall be identified on drawings. This proposal should provide for the replacement of, at minimum, an equal amount of similar native hedgerows and the planting of a minimum of five mature / established trees per tree felled. The replacement of hedgerows / trees shall have due regard to the ecological function of hedgerows as a wildlife corridor and shall not work in isolation from the remaining hedgerow network.
- Where a large site adjoins a green corridor, public open space or area of high ecological value, any new public open space on the site should be contiguous to same and encourage visual continuity and expansion of the green infrastructure/biodiversity network. The appropriate grading or transition of public open space towards a green biodiversity corridor shall be factored into the consideration.
- Landscaping works shall incorporate nature based drainage systems such as biodiversity areas or wetlands, which can reduce surface water run-off. Green roofs, walls, street trees and permeable surfaces will be encouraged.
- Street trees shall be encouraged into developments where possible and facilitated by way of appropriately designed tree pits.
- All planting must take place in the first planting season following occupation of the building or completion of the development, whichever is sooner. Any trees or plants, which within a period of 5 years from the completion of the development die or become seriously damaged or diseased, shall be replaced in the next planting season.
- Leylandii trees *Cupressocyparis 'Leylandii'*, *Cupressocyparis 'Castlewellan Gold'* and Laurel *Prunus laurocerasus* shall no longer be permitted as part of landscaping proposals for any new development. Leylandii because of their nuisance and safety risk they pose when not managed and Laurel due to the invasive nature of this species.
- The planting of species listed as of concern by invasive species Ireland, including species such as Cherry Laurel *Prunus Laurocerasus* and also species of a potential invasive nature as outlined by invasive species Ireland such as *Cornus sericea* L. shall neither be permitted in rural nor urban areas.

<sup>2</sup> Semi-mature trees are defined as trees with an overall height of more than 4 metres and/or a stem girth measurement (circumference) of 20 centimetres or larger.

To ensure that trees and hedgerows are protected on a site and that all agreed landscaping is carried out, a bond or cash lodgment may be required as part of a grant of planning permission, the amount of which shall be determined by the Council.

The Good Practice Guidelines for Developers – Biodiversity and Development in County Kildare, Kildare Heritage Series Volume 1 and The Good Practice Guidelines for Householders – Biodiversity and Development in County Kildare, Kildare Heritage Series Volume 2 should also be referenced for advice regarding landscaping and biodiversity matters. Soft landscaping proposals for public areas shall also be assessed having regard to the principles of the Urban Design Manual Best Practice Guide (DEHLG, 2009), as appropriate.

<b>Common name</b>	<b>Height (max)</b>	<b>Suitable for public open spaces</b>	<b>Suitable for streets and confined spaces</b>	<b>Suitable for tubs, containers and raised beds etc.</b>	<b>Guide to planting: See key below</b>
Alder	22m	Yes	No	Yes	ADPS
Alder Buckthorn	6m	Yes	No	Yes	D
Ash	28m	Yes	No	No	ADIPS
Aspen	24m	Yes	No	No	DPSV not close to buildings or services.
Arbutus (strawberry tree)	8m	Yes	No	Yes	Not frost hardy
Bramble	2m	No	No	No	C / H tends to be invasive
Broom	2m	Yes	No	Yes	Tolerates dry conditions
Burnet Rose	2m	Yes	No	Yes, but vigorous	C / H. Restricted distribution.
Common (or European) Gorse	2.5m	Yes	No	In a rural setting	HV
Crab Apple	6m	Yes	No	No	AHIP
Dog Rose	2m	Yes	No	Yes. Vigorous	C / H
Downy Birch	18m	Yes	Yes	Yes	ADIP
Elder	6m	In hedge	No	No	V
Grey Willow	10m	Yes	No	No	AHDV
Guelder Rose	4.5m	Yes	No	No	DH
Hawthorn	9m	Yes	Yes	Yes	AHIPS

Common name	Height (max)	Suitable for public open spaces	Suitable for streets and confined spaces	Suitable for tubs, containers and raised beds etc.	Guide to planting: See key below
Hazel	6m	Yes	No	No	AHS
Holly	15m	Yes	Yes	Yes	AHPS
Honeysuckle	climber	Yes	On walls	No	C
Ivy	climber	Yes	Yes	Yes	C
Juniper	6m	Yes	No	No	S
Pedunculate Oak	30m	Yes	No	No	AI only suitable for large spaces
Purging/ Common Buckthorn	8m	Yes	No	No	HP
Rowan or Mountain Ash	9m	Yes	Yes	Yes	ADHIP
Scots Pine	24m	Yes	No	No	AI
Sessile Oak	30m	Yes	No	No	AI only suitable for large spaces
Silver Birch	18m	Yes	Yes	Yes	ADIP
Sloe, Blackthorn	3m	Yes	No	No	AHPV
Spindle	7.5m	Yes	No	No	H
Whitebeam spp.	12	Yes	Yes	Yes	IPS
Wild Cherry	15m	Yes	Yes	Yes	AHI
Wild Privet	3m	Yes	Yes	Yes	No
Willow spp.	6m	Some	No	No	V Not suitable near buildings or services
Wych Elm	30m	Yes		No	PS
Yew	14m	Yes	No	Yes	AIPS

**Table 15.1 (a) - Native Trees and Shrubs**

**Key – Table 15.1 (a) (Native Trees and Shrubs)**

- A** Grows in a wide variety of soils
- C** Climber
- H** Suitable for hedging
- I** Suitable as an individual tree
- D** Tolerates or prefers damp conditions
- P** Tolerates smoke or pollution
- S** Tolerates shades
- V** Invasive

<b>STREET TREES</b>	
<b>Species</b>	<b>Flowering</b>
Juneberry Tree Amelanchier x grandiflora 'Robin Hill'	April
Hawthorn Crataegus monogyna 'Stricta'	May
Pillar Crab Malus tschonoskii	May
Callery Pear Pyrus calleryana 'Chanticleer'	April-May
Rowan Sorbus acuparia varieties	May-June
Lime Tilia x europaea 'Euchlora' (cultivars as many can grow to large tree size proportions that will exceed allotted roadside space)	June-July

**Table 15.1 (b) - Street Trees** (Source: Pollinator friendly planting code, NBDC).

<b>OPEN SPACE TREES</b>	
Horse Chestnut	Aesculus hippocastum
Juneberry	Amelanchier species (not A. lamarki which may be invasive)
Indian Bean Tree	Catalpa bignonioides
Hawthorn	Crataegus species
Apple	Malus species / cultivars
Foxglove Tree	Paulownia tomentosa
Wild Cherry	Prunus avium
Bird Cherry	Prunus padus
Japanese Flowering Cherry	Prunus serrulate 'Tai Haku'
Pear	Pyrus species and cultivars
Rowan	Sorbus species/cultivars
Willow	Salix

**Table 15.1 (c) - Open Space Trees**

The trees outlined above are fast growing and excellent for pollinating insects producing large quantities of nectar and pollen. Choice of appropriate species / cultivar for the right situation requires careful consideration. Priority should be given to native species. However, recommended non-native species include:

- Salix aegyptiaca (early spring flowering)
- Salix alba (spring flowering)
- Salix abla 'Liempde' Salix alba var. vitellina
- Lime

- Tilia (Tilia Americana 'Redmond', Tilia cordata, Tilia x europea, Tilia platyphyllos, Tilia tomentosa).

The range and diversity of Tilia is large therefore a small selection is recommended. These are outlined above.

### **15.2.5 Hard Landscaping**

Hard landscaping design, including paving and street furniture, is an important element in defining the character of streets and public open spaces. It can also help to provide a visual link to the surroundings; define and enclose spaces and delineate public from private space; provide security to private areas; distinguish between pedestrian, cycle, and vehicle movement; and provide suitable play space for children. Hard landscaping shall address the following:

- Applications for substantial hard-surfaced areas (e.g., streets, squares, open spaces, paved areas, footpaths, and driveways) must use appropriate materials that are durable and of good quality while demonstrating methods of controlling and limiting surface water run-off consistent with sustainable development.
- Use of permeable paving/surfaces, ponds, bio-retention areas, tree pits, rain gardens, swales and other nature based drainage system methods, such that rainfall is not directed immediately to surface water drains. Such methods can serve to reduce the risk of flooding.
- The use of artificial grass in all new residential developments shall not be permitted, save in exceptional circumstances including for children's play areas.
- Walls, fences, metal railings, and gates used to define spaces should be selected so as to be an integrated part of the overall design. Street furniture should be appropriately designed and sited such that it does not provide an obstacle for people with disabilities.
- Where underground or surface works are carried out, the Council will ensure the reinstatement of materials or the replacement with materials of similar style and quality.

Hard-landscaping proposals for public areas shall also be assessed with regard to the principles of the Urban Design Manual Best Practice Guide (DEHLG, 2009), as appropriate.

The integration of art into the public domain can contribute positively to the urban form, creating local distinctiveness and enhancing a public space.

Where possible and practicable existing stone walls should be retained as part of new developments.

### **15.2.6 Access to Land**

Development should be designed in such a fashion that it will not prejudice the provision of vehicular or pedestrian access, or key infrastructural services in adjoining lands. Development should also be designed to ensure 'ransom strips' will not inhibit future development.

### **15.2.7 Universal Access / Design**

The Council will require that proposed developments, in their layout and design, are accessible, understandable, and usable to the greatest extent possible by all people, regardless of their age, size, ability or disability.

The design and layout of development schemes, public realm and community infrastructure should incorporate universal design insofar as is feasible, having regard to the provisions of the National Disability Authority '*Building for Everyone: A Universal Design Approach – Planning and Policy (2012)*' and *Part M of the Building Regulations* which sets out standards to ensure buildings are accessible to and usable by everyone. The Technical Guidance Document in relation to Part M provides guidance on the access requirements for public buildings and residential dwellings.

Development Proposals should incorporate best practice design including elements set out below (note some areas are regulated by other local authority functions such as Building Control):

- Promotion of lifetime housing design.
- Incorporation of adaptable home offices to facilitate working from home.
- Provision of designated accessible parking and set down points for people with disabilities and parents with children.
- Level pedestrian routes with sufficient width.
- Use of surfaces suitable for wheelchairs and buggies.
- Use of tactile and blister paving.
- Use of colour contrast, particularly in the public realm.
- Provision of wayfinding / signage at appropriate levels, (N.B. in public realm).
- Ensuring level access to buildings from the street that is suitable for wheelchairs and buggies.
- Provision of automatic doors.

### **15.3 Design Statements**

This Plan advocates a collaborative and multi-disciplinary approach to achieving high quality urban design and placemaking outcomes. As such, it is considered that design statements are a vital tool which can assist all parties involved in the development management process in assessing the suitability of proposed design solutions for specific sites.

While a design statement can be prepared for all development proposals, the Planning Authority will require one to be submitted alongside applications for the following:

- Residential development comprising of 10 or more units.
- Commercial, retail, or community developments (including a mix / combination) which total 1,000 square metres or more.
- Key or sensitive sites in settlements, as may be identified in a Local Area Plan, a relevant placemaking strategy, or at planning application stage.
- Sites within or adjacent to designated Architectural Conservation Areas.
- Development proposal affecting Protected Structures.
- Sites with a steep and / or varying topography.
- 'Gateway' sites to towns and villages throughout the county.



Furthermore, the Planning Authority has the discretion to require a design statement to be prepared for any proposed development which it considers may have a significant impact on the receiving environment including:

- the visual sensitivities of an area
- the landscape character,
- environmental sensitivities of an area.

While the level of detail to be included in a design statement shall be proportionate to the scale and complexity of the development proposed, it should generally be a focused and concise document and should not duplicate information that is already included in the planning application.

The following details should be included in a design statement:

- A clear explanation of the design process including options considered.
- A demonstration of how the development adheres to the relevant provisions of the County Development Plan, including explicit reference to the Urban Design Standards Checklist, as outlined in Table 14.2.
- Any relevant Local Area Plan, Masterplan, or other placemaking strategy affecting the site.
- Where relevant, the design statement should demonstrate how the development adheres to the guidance and principles set out in the 'Urban Design Manual' (DoEHLG, 2009), particularly to show where and how the 12 Criteria (as per the '*Urban Design Manual – A Best Practice Guide*') have each been considered.
- A site and area appraisal including photographs of the site and its surroundings accompanied by illustrations such as photomontages, perspectives, and sketches, along with summaries of relevant studies and details of any recent consultations.
- In urban areas, a demonstration of how the development responds to the established urban structure, movement and accessibility, land uses, density, urban grain, visual context and built form.
- A demonstration of how existing and new green infrastructure features will be integrated into the scheme.
- Detailed proposals for open space illustrating how the provision of such areas have been designed in from the beginning.
- A comprehensive high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals.
- A statement setting out how energy efficiency and other climate mitigation measures have been incorporated into the proposed development.

#### **15.4 Residential Development**

Well-designed and integrated housing developments can make a significant contribution to the quality of life and wellbeing of residents and therefore improve the overall long- term sustainability of a settlement as a whole.

Accordingly, the Council will require that all new residential development should integrate with its surroundings, incorporate green infrastructure features, maximise the potential for present and future connectivity, maximise opportunities for social interaction, and be of high-quality design constructed with attractive and durable

materials that positively contribute to the creation of a sense of place and identity for the area.

The Council, in providing advice and in undertaking any assessment of proposed residential development will have regard to the content, policies and objectives of

Chapter 3 and Chapter 14, along with relevant Section 28 Ministerial Guidelines, including the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities (DEHLG, 2009) and the accompanying Urban Design Manual.

#### **15.4.1 Development Capacity**

Applications for residential development in urban areas will be required to comply with the principles of compact growth and demonstrate that they will contribute to the overall consolidation of the settlement. The need for new residential development to achieve sustainable densities at appropriate locations, should also be balanced with the following considerations:

- The existing and future (planned) capacity of the physical and social infrastructure to appropriately cater for the envisaged population.
- Achieving adequate privacy and residential amenities for individual residential units within the proposed development.
- Retaining adequate privacy and residential amenities for existing/adjoining residential areas.
- Retaining and integrating the existing green infrastructure features & enhanced biodiversity features (for example bird boxes, hedgehog streets etc.) into the layout and design of the open space.
- An assessment of the sites ability to appropriately accommodate development having regard to its environmental sensitivities and physical topography.
- The safety and appropriateness of the proposed layout and access arrangements to the development.

In accordance with the provisions of Section 15.5.1 applications for residential development over 20 units or, 2,000m<sup>2</sup> in the case of commercial developments, (including office/industrial developments), will be required to be accompanied by a Social Infrastructure Audit (SIA) in order to demonstrate that the proposed development, in conjunction with other extant permissions for residential development, will not place an unacceptable burden on the existing capacity of social infrastructure in the area. The Council will place particular emphasis on the need to ensure that any required social infrastructure will be developed either in tandem with, or prior to any new residential development.

#### **15.4.2 Development Phasing**

With regard to section 15.4.1 above, the phasing of a development may be required where constraints are identified relating to the physical or social attributes of the site or the wider area. In such instances the Council will require planning applications for multi-unit residential developments to be accompanied by a phasing schedule detailing the number of dwellings, quantum of public open space and infrastructure

which will be developed as part of each phase. It will be necessary for each phase to fully deliver the quantum of public open space along with any proposed landscaping measures, commensurate to the number of dwellings in that particular phase.

#### **15.4.3 Residential Density**

Indicative density levels for residential development are set out in Table 3.1 of Chapter 3. As per the Section 28 Guidelines on Urban Development and Building Heights (2018) this Plan supports a drive for increased building heights in appropriate locations in order to maximise the efficient use of development land in urban areas. In this regard, Section 14.8 identifies specific locations within the county which have the capacity to suitably accommodate taller buildings, including for residential development. Local Area Plans will also identify density targets for particular sites and specify locations for taller buildings as appropriate.

#### **15.4.4 Housing Mix**

In accordance with Objective HO O15 a 'Statement of Housing Mix' will be required to accompany applications for 10 or more units in order to ensure an appropriate mix of house types and sizes within individual residential development schemes and that they are adaptable, designed to meet the needs of an aging population and cater for people with disabilities. Accordingly, this statement shall set out how the proposed housing mix, including type, size and tenure has been determined, having regard to local supply and demand.

A cumulative approach to the assessment of housing mix will be applied. A Housing Mix Statement may be required for sub-threshold application where, when taken in conjunction with another application/development, the above threshold is reached. In determining an appropriate mix, a Housing Mix Statement will be required to consider other applications/previous developments in the same location in its assessment.

#### **15.4.5 Design, Layout and Boundary Treatments**

The design and layout of new residential development offers the opportunity to establish exceptional standards in terms of placemaking and urban design through the integration of high-quality connectivity, open space and sustainable mobility features from the outset. While the Kildare Rural House Design Guide (Appendix 4) outlines the requirements for layout and boundary treatment for rural dwellings, proposals for residential development in towns and villages will be required to fully address the 12 Criteria for sustainable residential development as outlined in the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009), as well as the guidance set out in Section 14.6 of this Plan.

Furthermore, the design and layout of all residential developments must fully comply with the Design Manual for Urban Roads and Streets (2019). This includes the implementation of a fully connected street hierarchy which prioritises sustainable modes of transport over the car, as well as ensuring the optimal size of urban blocks to provide for a high level of permeability.

New developments should take full account of the characteristics of the natural and built environment of the site, including the views and vistas into and out of the site.

The layout of the open space should be designed in such a way as to be a focal point within the development and shall where present, incorporate existing natural features such as streams, mature trees and established vegetation. Car parking arrangements should be fully integrated into the landscaping scheme so that they do not overly dominate the streetscape or detract from the aesthetics and useability of public open space.

Street trees should be designed into new developments, and developments should incorporate a high level of active frontages and passive supervision of all public open space. Built form on corner sites should be dual aspect and have a responsive design appropriately addressing their more prominent location. Boundaries between public open space, semi-private open space and private open space should be clearly delineated.

The layout of residential housing should avoid backing onto historic field boundaries which contain mature trees and/or established hedgerow. Furthermore, any development adjacent to a high amenity area (such as the Curragh) will require a soft boundary and/or approval by the Heritage Officer for boundary treatments. Further requirements in relation to soft landscaping features are outlined in Section 15.2.4.

The need for boundary treatments such as railings or walls around residential developments should be limited to an absolute minimum. In situations where a design solution cannot mitigate against the presence of such physical boundaries, high railings and walls should be avoided and boundaries should take the form of a low wall (rendered, natural stone or brick), railing, or a planted native hedgerow, to incorporate hedgehog streets, depending on the characteristics and location of the site.

Monumental or overbearing entrances to housing developments will not be permitted.

Gated developments will not be permitted as they reduce social inclusion and integration within the existing community and generally fail to address the existing streetscape.

#### **15.4.6 House Design**

In addition to an appropriate layout, a high standard of building design, detailing and specification of materials and a high standard of craftsmanship will be required. While the planning authority welcomes contemporary architecture. New developments should not be incongruous or have an overbearing effect on the established environment. Context remains very important, particularly in the case of the smaller towns and villages in the county.

House design open space provision shall have regard to the following requirements:

Unit Type (House)	Floor Area	Storage Area	Minimum Private Open Space
One bedroom	55m <sup>2</sup>	3m <sup>2</sup>	48m <sup>2</sup>
Two bedroom	85m <sup>2</sup>	6m <sup>2</sup>	55m <sup>2</sup>
Three bedroom	100m <sup>2</sup>	9m <sup>2</sup>	60m <sup>2</sup>
Four bedroom	110m <sup>2</sup>	10m <sup>2</sup>	75m <sup>2</sup>

\* *Minimum private open space requirement for dwellings with four or more units.*

**Table 15.2 - Minimum Floor space and Open Space Requirements for Houses**

- Apartment schemes shall deliver a minimum of 33% or 50% of units (depending on circumstances) as dual aspect, in accordance with the criteria as set out in 'Sustainable Urban Housing; Design Standards for New Apartments'
- A minimum distance of 2.5m between semi- detached and detached housing shall generally be provided.
- Site Layout Plans for all applications for multi-unit residential development should detail the bin storage, bicycle parking and e-car charging provisions.
- Adequate provision shall be made for the storage and collection of waste materials. Each house shall have adequately screened storage for at least 3 number 'wheelie' bins.
- Terraced / townhouse schemes shall include appropriate design measures for refuse bins, details of which should be clearly shown at planning application stage. Bins should not be situated immediately adjacent to the front door or ground floor window unless adequately screened alcoves or other such mitigation measures are provided. Innovative and attractive design solutions shall be required in this regard.
- Terraced / townhouse schemes shall include appropriate design measures for bicycle storage, details of which should be clearly shown at planning application stage. Storage should be provided through one of the following:
  - (a) Incorporation of a utility/store room accessed from close to the front of the house.
  - (b) Provision of access to the rear of houses.
  - (c) Provision of sheltered parking at a public, well lit and secure space.
- Special consideration should be given to boundary treatments particularly where these adjoin existing dwellings. Situations which lead to the creation of two walls or fences with a gap in between should be avoided. In such instances, applicants shall be required to apply the most effective and appropriate boundary treatment taking into consideration the context and environmental sensitivities of the site.
- High quality boundary treatments are generally required to enclose private open space. A 1.8m – 2m high wall of solid block, capped and plastered on both sides, is generally acceptable. The Council will consider alternative boundary treatments on their merits. All boundaries in such case shall be of high-quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.

- While every effort should be made to avoid rear gardens fronting on to public open space, in situations where this proves impossible, two-metre-high screen walls, suitably finished (rendered, natural stone or brick) and capped, should be provided between all areas of public space and rear gardens. Proposals for planting along the public side of the wall shall be included on a landscaping plan. An additional inner grass verge shall be provided along any footpath to facilitate this, if necessary.
- In the interest of passive surveillance, where side boundary walls adjoin the public footpath, the walls shall be a maximum of 1 metre in height as far as the rear building line of the dwelling (beyond which a 2 metre wall may be provided).
- Private open space should be designed so that it is usable for the proposed residents.
- Utility boxes should be screened from public view particularly for terraced units.
- Windows in the gable / side walls of dwellings will not be permitted where the window would closely overlook the private open space of the adjoining dwelling or where the window would not provide adequate light or aspect to a habitable room. However, windows featuring opaque glazing may be acceptable in certain instances.
- In relation to storage spaces the following requirements shall be applied:
  - o As a rule, no individual storage room within a dwelling should exceed 3.5 sq metres.
  - o Storage should be provided off a hallway or landing to facilitate access.
  - o Attic spaces may satisfy part of the general storage requirements but only if such spaces feature a stud floor and are accessible by a stairs or integrated attic ladder.
  - o Hot presses, boiler or heat pump spaces do not count as storage areas.
  - o Utility rooms may in certain circumstances contribute to overall storage requirements.
  - o Storage should be additional to kitchen presses and bedroom furniture.
  - o Dwellings may provide storage for bulky items outside individual units and this may satisfy part of the general storage requirement, where considered appropriate.

#### **15.4.7 Apartment Developments**

An apartment can be defined as a residential unit in a multi-unit building with grouped or common access. Planning applications for apartments shall be assessed against the Sustainable Urban Housing: Design Standards for New Apartments (2020) or any subsequent guidelines and the Urban Development and Building Height Guidelines (2018).

The Apartment Guidelines set out detailed parameters in the form of Specific Planning Policy Requirements (SPPRs) with respect to:

- General locational considerations.
- Appropriate mix within apartment schemes (SPPR 1 and SPPR 2).
- Internal space standards for different apartments - all apartment floor area measurements should be internal wall-to-wall dimensions (SPPR 3).
- Dual aspect ratios (SPPR 4).
- Floor to ceiling heights (SPPR 5).
- Lift / stair core access (SPPR 6).

- Private and communal amenity space.
- Security considerations.
- Storage spaces.
- Communal facilities
- Car and bicycle parking/storage; and
- Adaptability.

#### **15.4.8 Build-to-Rent**

Build-to-rent (BTR) housing developments are purpose-built developments for long-term rental, are managed by an individual entity and provide dedicated amenities and facilities for residents. They have a role to play in providing choice and flexibility to people where homeownership may not be a priority or transient people moving between countries for employment.

All proposed BTR housing developments must comply with SPPR 7 and SPPR 8 as set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020) or any subsequent guidelines.

#### **15.4.9 Shared Accommodation / Co-Living Developments**

Shared accommodation/co-living developments are professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities. In accordance with SPPR 9 there shall be a presumption against granting planning permission unless a need is identified to meet a specific demand identified in the Housing Need Demand Assessment (HNDA). The HNDA prepared as part of the Plan review did not identify a specific need for this type of residential development in Kildare.

#### **15.4.10 Management Companies for Apartments**

Apartment developments are not taken in charge by the local authority and therefore a management company is required. The Multi-Unit Developments Act 2011 came into effect on 1 April 2011 and regulates the ownership and management of the common areas of appropriate multi-unit developments and provides for the setting up of owners' management companies to manage such areas. Where required, a properly constituted management company shall be established for the purposes of maintaining public lighting, roads, parking areas, services, open spaces and public areas in apartment schemes and a condition will be attached to any grant of planning permission in this regard.

#### **15.4.11 Purpose Built Student Accommodation**

The Government has indicated (September 2021) the critical need for purpose-built student accommodation (PBSA) to be available to meet the needs of students in third-level education. As per PL05/2021 and PL8/2016, the Planning Authority will apply a flexible approach in respect of any planning conditions related to use/occupation of student accommodation. Purpose-built student accommodation should not be used for short-term residential accommodation indefinitely, and it should be safeguarded for use by students and other people related to higher education institutes during the academic year. The removal of student accommodation from availability for student use runs contrary to the National Student Accommodation Strategy.

The Council supports the provision of high-quality, professionally managed, purpose built third level student accommodation, either on campus or in accessible locations adjacent to quality public transport corridors and active travel routes in a manner which respects the residential amenities of the locality.

The Council will ensure that student specific accommodation is:

- Not used for residential accommodation of a permanent nature.
- Safeguarded for use by students and other persons related to higher education institutes during the academic year; and
- Capable of being used for legitimate occupation by other persons/groups during holiday periods, when not required for student accommodation purposes.

A condition shall be attached having regard to the above to any grant of planning permission in accordance with Appendix 1 of Circular PL8/2016. Where planning permission is granted for the development of PBSA, a change of use permission will not be granted unless it has been demonstrated that there is an over-provision of student accommodation in the area.

In considering a planning application for student accommodation the Council will have regard to;

- The location of the site and its appropriateness in relation to accessibility to the educational facilities.
- The proximity of the site to existing or planned public transport corridors and active travel routes.
- The pattern and distribution of student accommodation in the locality. In this regard an overconcentration of such schemes in any one area with the exception of on-campus facilities will be resisted.
- Terms of occupation (e.g., term-time for students and short let during academic holiday period) or any alternative uses outside of the academic year. The provision of documentary evidence that all occupiers will be students registered with a third-level institution during the academic year will be required.
- Details on how the scheme will be professionally managed including details of the on-site management team, security and monitoring, and how anti-social behaviour will be addressed.
- Demonstrate how the scheme will integrate with and complement the wider local community.
- Demonstrate that the design and layout would not impact on the amenities of the area. The external layout, including any necessary security arrangements, should be designed to avoid isolating developments from the surrounding community.
- The standard of accommodation (bedrooms, bathrooms, communal facilities and amenities, open space).
- The level and quality of on-site facilities, including storage facilities, waste management, cycle storage, leisure facilities, car parking and amenity.
- The architectural quality of the design and external layout, with respect to materials, scale, height, and relationship to adjacent structures.



#### **15.4.12 Extensions to Dwellings**

Adapting residential units through extensions can sustainably accommodate the changing needs of occupants subject to the protection of residential and visual amenities. A well-designed extension can provide extra space, personalise and enhance the appearance of a dwelling. It would not be practical to set out a prescriptive approach to the design of extensions that would cover every situation, nor is it desirable to inhibit innovation or individuality. The following basic principles shall be applied:

- The extension should be sensitive to the appearance and character of the house and the local area (urban or rural).
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Appendix 4 Rural House Design Guide.
- The extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.
- The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the proposed extension. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal.

#### **15.4.13 Domestic Garage / Store / Home-Work Pod / Garden Room**

The development of a domestic garage/store/home-work pod /garden room for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store/home-work pod /garden room shall be single storey only, with a maximum gross floor area of 40m<sup>2</sup> and a maximum ridge height of 5m.
- The unit shall generally be located behind the front building line of the existing dwelling.
- In urban areas, the development will be assessed on the scale of the space surrounding the dwelling and any impact on neighbouring properties.

- The design and external finishes of the unit shall generally be in keeping with that of the dwelling house.
- The unit shall only be used for purposes ancillary to the enjoyment of the dwelling house and not for human habitation.
- The Planning Authority may consider exceptions to the criteria above having regard to the need for the development and the location and characteristics of the subject site.

#### **15.4.14 Family Flat**

Family flats (often known as granny flats) refer to a temporary subdivision or extension of an existing dwelling unit. They are a way of providing additional accommodation with a level of semi-independence for an immediate family member (dependent on the main occupants of the dwelling).

Applications for a family flat shall have regard to the following requirements:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat.
- An occupancy condition may be applied.
- The proposed unit should be linked directly to the main dwelling by a connecting door.
- Accommodation must be subsidiary to the main dwelling in scale and only in exceptional cases will more than one bedroom be permitted where a need has been demonstrated.
- The design standards for house extensions shall be applied to the family flat.
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the family flat. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal.

It is normal procedure to include conditions in any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

#### **15.4.15 Naming of Residential Developments**

Placenames are an important part of our cultural heritage and placemaking. The Council actively seeks to ensure that our rich heritage is protected and enhanced through the naming of new residential developments. The naming of residential and other developments shall reflect local heritage by incorporating local placenames or names of geographical, historical or cultural significance to the site location. It is the preference of the Council to promote the use of the Irish Language in the first instance for the naming of new residential developments in the County. Names of developments shall include the use of the Irish Language, where appropriate and sensible. Developers shall have regard to the Council's policy, Naming of New Residential Developments (2018). *The Council will endeavour to review this document within two years of the making of this Plan.*

All applications for residential development shall provide for the naming of residential developments in the following manner:

- Three potential names that reflect local heritage shall be submitted as part of a planning application.
- The three names shall be submitted in both Irish and in English.
- There should be a brief description of the source and reason for the proposed name of the development having regard to the Council's Naming of New Residential Developments (2018).
- Avoid names already used in the county but particularly, in the local area.

#### **15.4.16 Taking in Charge of Residential Developments**

The term "Taking in Charge" means that the council assumes liability and responsibility for the roads, footpaths and public areas associated with a particular estate. When a residential development is completed in accordance with all the conditions and particulars of the planning permission, the developer or the majority of homeowners may make a written request in accordance with the provisions of Section 180 of the Planning and Development Act 2000 (as amended) to have the estate taken in charge (roads and services).

The Council's policy on the taking in charge of residential developments is set out in the Taking in Charge Policy Statement (June 2008) which is currently under review and should be considered from the outset (either in its current form or as subsequently amended), from the initial pre-application stage through to the post construction phase of a development.

### **15.5 Social and Community Developments**

Any application for community facilities such as childcare, schools, health, community, and leisure facilities, including open space, sports grounds, playing pitches, and other community orientated developments, shall have regard to the following:

- Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or county facilities.
- Practicalities of sites in terms of site location relative to uses, impact on local amenities, desirability, and accessibility.
- Conformity with the requirements of appropriate legislative guidelines.
- The potential multifunctional use of community facilities, including daytime and night-time usage.

#### **15.5.1 Social Infrastructure Audit**

As outlined in Chapter 10, any new residential development over 20 units or commercial developments (including office/industrial developments) over 2,000 square metres, will be required to undertake a social infrastructure audit to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents.

Social Infrastructure Audits (SIAs) shall include current provisions in relation to childcare, education, health, community, sporting, open space, and recreational facilities in the vicinity (e.g., within a 10-15 minute walk) of the proposed development. The audit must outline available capacity within each facility and

identify deficits that exist in such infrastructure, taking into consideration any extant permission for residential development in the area. Where deficits exist, the applicant shall propose measures within the development proposal to address same and / or may be required by the Planning Authority to contribute towards developing such infrastructure in the area by means of conditions to the permission through the development contribution scheme. In cases where social infrastructure deficits are not addressed, permission may be refused.

It should be noted that the Planning Authority has undertaken a number of SIAs to date as part of the preparation of the Leixlip, Naas and Athy Local Area Plans and will continue to do so as part of the rollout of the Local Area Plan programme. The content of any SIAs submitted as part of planning applications can therefore be considered in the context of SIAs already undertaken, where relevant, in order to develop a comprehensive database of available social infrastructure to plan for the sustainable development of communities over the Plan period and beyond.

### **15.5.2 Childcare Facilities**

The Council will seek to facilitate the provision of high-quality childcare facilities in appropriate locations throughout the county and may require their provision in large residential, public community, commercial, and retail developments in accordance with the provisions of the DoEHLG '*Childcare Facilities Guidelines for Planning Authorities*' (2001). The guidelines require 20 childcare spaces for every 75 dwelling units.

As part of the undertaking of a Social Infrastructure Audit (as above), for developments proposed (residential and / or commercial), the onus shall be on the developer to demonstrate that there are adequate childcare facilities to cater for the proposed development. In doing so the developer must; (i) clearly outline, on a map, the location of each childcare facility relative to the proposed development, (ii) the total number of childcare spaces on offer at the subject childcare facility with a clear breakdown of the various types of childcare that are available in each identified facility and (iii) details of any remaining capacity in each facility. This information must be supported, in writing, by each of the childcare facilities identified in (i) above and must be confirmed by the Kildare County Childcare Committee.

Where it is demonstrated that there are inadequate childcare facilities to cater for the proposed development, developers must incorporate a childcare facility as part of the overall development proposal, in line with the Childcare Guidelines (or any subsequent revisions to same).

Any application for childcare facilities shall have regard to the following:

- The need for the proposed development (consult with Kildare County Childcare Committee).
- The nature of the facility e.g., full day care, sessional care, after school care.
- Number and ages of children to be catered for.
- Number of staff.
- Intended hours of operation,
- Suitability of the site for the type and size proposed.

- Adequate sleeping / rest facilities.
- Adequate availability of indoor and outdoor play space.
- The internal layout and design, should allow, where possible, for the dual usage of the proposed facility e.g., night-time community uses.
- Proximity to public transport / areas of employment.
- Local traffic conditions
- Safe access and convenient off-street parking and / or suitable drop-off and collection points for customers and staff.
- Signage should be minimized and designed into the scheme.

Facilities shall be sited at or near the entrance / exit to the proposed development for ease of access, drop-off / pick-up points and must be provided in full as part of the first phase of development and occupied prior to the occupation of any residential unit within the overall development scheme

Childcare facilities will also be required to be provided in large-scale employment centres with an excess of 100 employees.

For new residential / commercial developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, stand-alone property with capacity for dual usage e.g., night-time community uses.

Applications in existing residential areas should have regard to the likely effect on the amenities of adjoining properties, and compliance with the above criteria.

Applicants are recommended to seek the advice of the Kildare County Childcare Committee, HSE, and other relevant bodies in the design of childcare facilities prior to the submission of a planning application.

The omission of a crèche previously permitted within a residential development will not generally be favourably considered.

### **15.5.3 Educational Facilities**

To establish if there is available capacity in the school network to accommodate the number of students likely to be generated by proposed developments, Social Infrastructure Audits (as above) with respect to educational facilities, should:

- Identify existing primary and secondary school facilities in the area, their distance from the site, and the road/cycle network, and public transport facilities available between the locations.
- Include details of school capacities, existing number of students and capacity for new intake to be taken cumulatively with other permitted or planned developments that will impact the intake capacity of these schools.

In general, new schools shall be developed in areas where new/additional schools are required as identified by the Department of Education and Skills and / or within existing school/education sites. The Planning Authority will encourage them in built up areas and / or clustered with other community infrastructure to enable dual usage of facilities. New schools at edge of town locations should be serviced by safe sustainable travel infrastructure. Any application for education facilities shall have

regard to the following:

- Size of site relative to outdoor space requirements and the future needs of the school (e.g., sufficient space provided for future expansion)
- Traffic and transport impact on the surrounding road network.
- Good, safe accessible pedestrian and cyclist routes to and from the school from nearby residential and commercial areas.
- Adequate bicycle, and bus parking facilities.
- Set down areas and / or car park facilities within walking distance for drop-off / pick-up.
- A School Travel Plan shall be submitted with an application for any school development, requirements of which should be ascertained at pre-planning stage.
- The layout and design of the school shall facilitate possible out of school hours use by other bodies / community (e.g., sports facilities / halls etc.)
- Boundary treatment to be sensitive to the location and a landscape plan carried out by a suitably qualified landscape architect.

Temporary classrooms will be assessed on a case-by-case basis and will generally be accepted for a period not exceeding five years and such classroom developments shall not impede traffic movements and circulation within the school premises, or significantly reduce open space. Structures shall be of a high design quality and painted / coloured to integrate with any existing school structure.

Extensions to schools will generally be accepted where they will replace existing temporary classroom structures on site. School extensions should be located having regard to adjoining amenities and amenities within the school site.

#### **15.5.4 Health Facilities & Veterinary Clinic**

The Planning Authority will consider applications for health care facilities on their own merits. In doing so, the Planning Authority will distinguish between small-scale medical practices involving one to two practitioners (e.g., doctor / dentist / physiotherapist) with a maximum of two employees, and larger medical practices accommodating two or more medical practitioners and staff.

##### **15.5.4.1 Large scale and group medical practices:**

- Shall be in rural villages, and town centre locations.
- Should not have negative impacts in terms of generating overspill of car parking, traffic hazards, or negative impacts on adjoining residential amenity.
- Shall complement existing uses / buildings and have only modest signage.

##### **15.5.4.2 Medical practices in residential areas should be:**

- Small-scale facilities
- Additions to the existing residential use of a dwelling, and subordinate to it.
- Ideally be in larger detached houses on their own grounds with suitable and convenient access for those arriving by car, foot, or public transport.

#### **15.5.4.3 Nursing Homes / Assisted Living Accommodation facilities:**

- Should be in established neighbourhoods / residential areas that are well served by community infrastructure and amenities (e.g., shops, parks, etc.)
- Should be near high quality public transport links and provide good footpath links from the facilities to same.
- Shall provide at least 20% open space on the overall site area which shall comprise high quality landscaping to include semi mature trees and the creation of native hedgerow linkages with adjacent green infrastructure networks.
- Will have regard to potential impact on the residential amenities of adjoining properties, particularly in relation to overlooking and overshadowing.

#### **15.5.4.4 Veterinary Clinics**

In the case of veterinary surgeries, full details of all services provided on site shall be submitted, including car parking for clients/patients, details of overnight facilities (e.g., kennels/staff accommodation) and out of hours services together with noise mitigation measures, where appropriate.

#### **15.5.5 Community Buildings**

The location and provision of community facilities is a pre-requisite to the creation and enhancement of viable, sustainable, and successful local communities. Such infrastructure should be available within a 10-minute walk of most residential developments. It is acknowledged that the catchment for rural areas may be wider.

A general standard for the provision of a community building is not widely available in Ireland. However, a simplistic standardization which has been employed elsewhere in neighbourhood planning is: 0.30 community facilities per 1,000 population. Neighbourhoods may have different requirements as dual usage of school, sports, and / or childcare facilities may satisfy local needs.

Any application for community facilities such as community / parish halls, organizational meeting facilities, sports halls, playing pitches shall have regard to the following:

- Overall need in terms of necessity / deficiency
- Universal access requirements
- Changing places / toilet facilities
- Bicycle parking / storage
- Potential for dual usage (e.g., childcare, schools, all community groups)
- Accessibility to sustainable travel infrastructure (pedestrian links, bicycle lanes, and public transport)
- Ensure facilities are accessible to most residential areas within a 10-minute walk
- Practicalities of the site in terms of adjoining uses and impacts on local amenities.

## **15.6 Open Space**

The role of Open Space is becoming more important to the residents of Kildare and their quality of life with many settlements developing quickly and at higher densities. The provision of accessible open space is vital for overall community wellbeing and can be provided in various forms e.g., Neighbourhood Parks, Local Parks, Amenity Green Spaces, playing pitches, play areas for children and teenagers, Green Corridors, and Natural / Semi-Natural Green Spaces. Towns in Kildare will be required to provide a minimum of 2.5 hectares of Open Space per 1,000 of population which should include both formal and informal open spaces as follows;

- Formal (Active Open Space, Neighbourhood/local park, Play areas)
- Informal (Parks and Gardens, Amenity Green Space, Natural and semi-natural)

The breakdown and quantum of formal and informal provision will be considered on a place-by-place basis.

As outlined in 15.5.1 above Social Infrastructure Audits are required to be submitted for new residential developments at or over 20 units or for commercial developments (including office/industrial developments) over 2,000 square metres.

Existing open space provision within a 10-minute walk of the development shall be outlined and assessed against the standards noted above. Open space deficits shall then be highlighted, and the design proposal will be required to assist in addressing any deficits.

### **15.6.1 Active Open Spaces**

These are generally playing pitches, courts, and sports grounds. Individual development is needed to deliver some, or all the space required. However, contributions via development levies can also assist in the delivery of such infrastructure for the community. Residents in Kildare towns (as identified in the settlement hierarchy) should have access to active open space facilities such as courts, playing pitches / sports grounds within a 10-minute walk of their home.

### **15.6.2 Neighbourhood / Local Parks**

A Neighbourhood Park is generally a large area of parkland of 16 hectares or more located within 800 metres of the target population and managed as a public park to facilitate both passive and active recreation.

A Local Park is a small area of parkland of 2 hectares or more located within 400 metres of the target population and managed for passive recreation only.

### **15.6.3 Amenity Green Spaces**

Amenity Green Spaces are generally small areas of open space associated with individual housing estates. Requirements are outlined in 15.6.6 below. These spaces shall comprise areas for biodiversity and link (by way of native hedgerows and trees) with any adjacent green infrastructure networks.



#### **15.6.4 Natural / Semi-Natural Green Space and Green Corridors**

Natural / Semi-Natural Green Space (e.g., undeveloped, or previously developed land with habitats such as woodland or wetland areas) and Green Corridors (linear green spaces such as canal and river corridors) also provide valuable open space conserving biodiversity and enhancing natural drainage, and carbon storage.

#### **15.6.5 Formal / Informal Play Spaces**

Formal play spaces are generally designed to facilitate children and teenagers play. They are usually located within an existing public park or amenity that is easily accessible from residential areas (e.g. 5-minute walk/400 metres). Developments shall provide 'scale appropriate' children's play in semi-private or public open spaces through provision of a scale appropriate Natural Play Area. It is the Planning Authority's preference that an imaginative approach is adopted by developers to delivering play spaces. All play areas shall be natural play spaces with landscaping and natural features e.g. logs, mounding, boulders, and sensory planting, equipment with no moving parts. Play features should be centrally located so that they are accessible and supervised.

#### **15.6.6 Public Open Space for Residential Development**

The provision of accessible open space is a key part of the provision of high-quality green infrastructure for communities. Public open space must be carefully designed as an integral part of the layout of all residential schemes / mixed schemes from the outset, being addressed at the initial design stages. All applications for residential developments shall include a landscape plan, which shall have regard to the Parks Section 'Open Space & Landscaping Pre-Planning Guidance for Applicants' document. It is vital that landscape architects are involved in the early stages of the design process and attend any pre-planning discussions with the Planning Authority.

Open space **shall** be provided within the development site as follows:

- On greenfield sites, the minimum area of open space that is acceptable within the site is 15% of the total site area. This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 8%.
- On institutional sites a minimum requirement of 20% of the site area may be required. This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 10%.
- In all other cases, public open space should be provided at the rate of 15% of the total site area (at a minimum). This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 6%.
- A relaxation of these standards may be considered in smaller developments (less than 8 units) for which a minimum of 10% would be required which includes 4% for biodiversity.

- A relaxation of these standards may also be considered on brownfield and / or regeneration sites where higher residential densities are required. On such sites a minimum of 10% would be required which includes 4% for biodiversity.
- In cases where standards have been relaxed or where there is a shortfall in the provision of open space due to the practicalities of the site (e.g., unsuitable due to topography, flooding, gradient, SuDS, overhead powerlines etc.) the council will require an equivalent monetary contribution in lieu of remaining open space provision via the Kildare County Council Development Contribution Scheme.
- SuDS are not generally acceptable as a form of public open space provision, except where they contribute in a significant and positive way to the design and quality of open space. Where the Council considers that this is the case, in general a maximum of 10% of the open space provision shall be taken up by SuDS.
- Each application shall also have regard to the qualitative standards outlined in Section 4.18 of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, (2009).

The following should also be taken into consideration in relation to public open space:

- Areas of public open space should be generally flat. While some undulation may be incorporated as a design feature, areas with high gradients, containing swales or attenuation ponds, or otherwise impractical to function effectively as amenity / play areas, will not be acceptable as open space.
- Narrow tracts of land (less than 10m) or pieces of land 'left over after planning' are not acceptable.
- Areas of open space less than 500 square metres will not be taken in charge by the council for maintenance purposes.
- Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.
- Public and semi-private open space in all residential developments will be required to incorporate natural features that promote children's play. Opportunities for children's play should be addressed as part of the landscape plan.
- Public open space should be innovative in its design approach and functionally accessible to the maximum number of dwellings within the residential area.
- Public open space should be overlooked by as many dwellings as possible.
- Houses shall not generally be permitted to back onto public open spaces.
- Natural features, e.g., trees, hedgerows, and wetland sites, should be retained, protected, and incorporated into public open space areas.
- On large sites, areas should be identified for a hierarchy of uses, e.g., more casual 'pocket parks' for smaller children to play, informal kick about areas, areas for passive amenity, etc.
- Appropriate pedestrian and cycle linkages between open spaces should be clearly indicated on the site layout plan.
- Care should be taken during the design process to connect existing and proposed areas of open space, thus providing green linkages for wildlife habitats.

- Care should be taken during the design process to connect proposed open space with existing open spaces and / or proposed open space in other developments to form local parks (e.g., when combined may be greater than 2 hectares) and / or neighbourhood parks (e.g., when combined may be greater than 16 hectares).
- Incorporate pieces of public art into the design of open spaces.

### **15.6.7 Private Open Spaces – Gardens, Terraces, Balconies**

All houses should have an appropriate and useable area of private open space to the rear of the dwelling. The minimum area of private open space to be provided is set out in Table 15.2.

Exceptions may be permissible in relation to the development of inner urban infill where there is a need to protect the established pattern of streets and spaces and the redevelopment of brownfield / regeneration sites. Flexibility will be considered for well-designed development proposals.

- It is expected that private open space provided will exceed these standards whenever possible and such minimum standards will only be acceptable for up to 50% of the units in any development and will be discouraged throughout.
- The front garden should be a minimum length of 6 metres. Where dwellings have little or no front gardens a defensible space must be created behind the public footpath, such as a planting strip.
- Rear gardens should be a minimum of 11 metres in depth (22 meters back-to-back as a general rule) to protect privacy, sunlight, and avoid undue overlooking. Reductions will be considered for single storey developments and / or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting, and sunlight can be achieved.
- Narrow strips of incidental open space to the side of houses should not be included in private open space calculations.
- In certain development circumstances, the requirements set out above may not be appropriate (e.g., housing requirements for special needs, housing for older persons/ sheltered housing) particularly where the development is within a 10-minute walking distance of a public park or other amenity.
- A reduced minimum standard may be accepted for 1 and 2-bedroom houses for older people, where it is demonstrated that the design of the dwelling is specifically designed and safeguarded for older persons.

Balconies and terraced areas are the primary form of private open space for apartment and duplex type schemes. Such spaces shall be accessible from the main living area and comprise balconies / terraces.

The minimum private open space standards for Apartments are outlined in Table 15.3:

<b>Unit Type</b>	<b>Private Open Space</b>
Studio	4 m <sup>2</sup>
One Bedroom	5 m <sup>2</sup>
Two Bedrooms	6 m <sup>2</sup>
Three Bedrooms	7 m <sup>2</sup>
Four Bedrooms or more	9 m <sup>2</sup>

**Table 15.3 - Minimum Private Open Space Requirements for Apartments**

- It is expected that all private balconies, patios, terraces, or roof gardens comply with or exceed the minimum standards set out in Table 15.3.
- All private balconies, patios, terraces, or roof gardens shall be located to optimise solar orientation and designed to minimise overshadowing and overlooking.
- All private balconies, patios, terraces, or roof gardens shall be suitably screened in a manner complementing the design of the building to provide an adequate level of privacy and shelter for residents.

## **15.7 Transport**

### **15.7.1 Walking and Cycling**

- New pedestrian and cycle paths shall be designed in accordance with the Government’s Design Manual for Urban Roads and Streets - 2019 (DMURS), the national Cycle Manual (2011 and any subsequent updates), Draft GDA Cycle Network Plan (NTA, 2021) and Section 5.4.1 of this Plan.
- Ensure new development areas are fully permeable for walking and cycling as outlined in Section 5.4.1 of this Plan.

### **15.7.2 Cycle Parking**

- The Planning Authority requires the provision of a minimum level of secure cycle parking facilities in association with new development and changes of use. This is consistent with the objectives and policies of the National Sustainable Mobility Policy (2022) and the Draft GDA Cycle Network Plan (NTA, 2021).
- New cycle parking shall be designed in accordance with the National Cycle Manual (2011 and any subsequent updates).
- Where the provision of cycle parking facilities is intended for use by the staff of a particular development, stands should be covered, well lit and located within the curtilage of developments to ensure security and supervision.
- Cycle stands for use by visitors should be located to maximise convenience to the entrance of buildings, and positioned so as to ensure safety, security and supervision.
- The cycle parking standards set out in Table 15.4 shall be taken as minimum standards.

<b>Accommodation</b>	
Apartments	1 space per bedroom + 1 visitor space per 2 apartments
Hotel / Guesthouse	1 space per 10 bedrooms + 1 space per 5 staff
Nursing Home	1 space per 10 residents + 1 space per 5 staff
Student Accommodation	1 space per bedroom + 1 visitor space per 5 bedrooms
<b>Retail</b>	
<100 sqm GFA	1 space per 20 sqm gross floor area or 1 space per car space, whichever is greater
> 100 sqm GFA and <500 sqm GFA	1 space per 40 sqm gross floor area or 1 space per 2 car spaces, whichever is greater
>500 GFA	1 space per 10 car parking spaces or 1 space per 100 sqm gross floor area, whichever is greater
Warehousing / Showrooms	1 space per 250 sqm gross floor area
<b>Other Commercial</b>	
Bank / Financial Institution	1 space per 100 sqm gross floor area
Lounge / Bar / Restaurant / Café / Function Room	1 space per 30 sqm dining / public floorspace
<b>Enterprise / Employment</b>	
Industry / Manufacturing	1 space per 100sqm gross floor area
Warehousing	1 space per 100sqm gross floor area
Office	1 space per 50 sqm gross floor area
<b>Education / Childcare</b>	
Crèche	1 space per 5 staff + 1 space per 10 children
Primary School	1 space per 5 staff + 1 space per 5 students
Secondary School	1 space per 5 staff + 1 space per 3 students
University / College of Higher Education	1 space per 5 staff + 1 space per 2 students
<b>Medical</b>	

Hospital	1 space per 5 staff + 1 space per 10 beds
Clinic / Group Medical Practices	1 space per 5 staff + 0.5 space per consulting room
<b>Community / Recreational</b>	
Theatre, Cinema, Stadium, Place of Worship	1 space per 10 seats
Playing Fields	20 spaces per pitch
Gymnasium / Recreation Centre	1 space per 50 sqm gross floor area
Community Centre / Library	1 space per 10 sqm gross floor area
Funeral Home	1 space per 15 sqm gross floor area

**Table 15.4 - Minimum Cycle Parking Standards**

Along with cycle parking, sufficient shower and changing facilities should be made available in larger commercial developments/places of employment. The standards set out in Table 15.5 shall apply.

<b>Office developments:</b>	<b>Non-office development:</b>
<ul style="list-style-type: none"> <li>• 250 m<sup>2</sup> - 500 m<sup>2</sup>: 1 shower</li> <li>• 500 m<sup>2</sup> - 1000 m<sup>2</sup>: 2 showers</li> <li>• 1 shower per additional 1000 m<sup>2</sup> thereafter</li> </ul>	<ul style="list-style-type: none"> <li>• 1 shower for the first 5 cycle parking spaces.</li> <li>• 1 shower per 10 cycle parking spaces thereafter.</li> </ul>

**Table 15.5 - Shower and Changing Facilities Provision\***

\* Unless otherwise agreed with the Planning Authority.

- Changing/drying areas, toilets and lockers should be provided in association with shower facilities.
- The Planning Authority will allow a degree of flexibility in town and village centre locations, where sites may be constrained. Where cycle parking would be better provided at communal, strategic locations around the town centre, a financial contribution in lieu of cycle parking will be considered, in accordance with the Development Contributions Scheme.
- The Council may also request the provision of public cycle parking facilities, where possible at existing transport nodes, public buildings, retail centres and other locations not specified in Table 15.4.

### 15.7.3 Public Transport

- All new development should be designed to maximise permeability and connectivity to public transport networks in accordance with the provisions of the 'Design Manual for Urban Roads and Streets' (DMURS, 2019).
- Roads should generally be designed to include infrastructure for bus services unless otherwise advised by the Road Authority;
- New / improved bus stops shall be of a suitable 'raised' design in order to assist mobility-impaired passengers in boarding/leaving the vehicle;

- Bus shelters should be sited and designed taking account of the needs of the bus users and the visual sensitivity of the location of the proposed shelter. All bus shelters shall be designed with the security of the user in mind, including adequate lighting.
- In considering applications for bus shelters with associated advertising, the planning authority will have regard to the particular circumstances of each case, such as location, scale and type of advertising proposed and the effect on the amenities of the area and streetscape.

#### 15.7.4 Road and Street Network

- The principles, approaches and standards set out in the Design Manual for Urban Roads and Streets (2019) apply to the design of all urban roads and streets (with a speed limit of 60 km/h or less), except national roads and in exceptional circumstances, certain urban roads and streets with the written consent of the relevant Authority.
- The standards set out in the TII publication DN-GEO-03031 Rural Road Link Design (2017) applies to Single and Dual Carriageway roads (including Motorways) in rural areas. It also applies to single carriageway Urban Relief Roads and Urban Dual Carriageways and Motorways.
- The Council requires the submission of a Traffic and Transport Assessment (TTA) as part of planning applications for larger developments, as outlined in Table 15.6 below, in accordance with the TII publication PE-PDV-02045 Traffic and Transport Assessment Guidelines (2014). These guidelines advise that applicants should consult with the Transportation Department of the Council prior to submission of an application.

Traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.
Traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists or the location is sensitive.*
Residential development in excess of 200 dwellings.
Retail and leisure development in excess of 1,000m <sup>2</sup> .
Office, education and hospital development in excess of 2,500m <sup>2</sup> .
Industrial development in excess of 5,000m <sup>2</sup> .
Distribution and warehousing in excess of 10,000m <sup>2</sup> .

**Table 15.6 - Traffic Management Guidelines Thresholds for Transport**

\* In locations that experience particularly heavy congestion and when traffic flows from a proposed development are less than 5% of the traffic flows on the adjoining road, a Transport Assessment may still be required. When in doubt, the requirement for a Transport Assessment should always be scoped with the relevant local authority.

- The design of development proposals must address the functionality and safety of the road. Two processes specifically address these design concerns: Road Safety Impact Assessment (RSIA) and Road Safety Audit (RSA).
  - A) Road Safety Impact Assessment (RSIA) is described in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC as a strategic comparative analysis of the impact of a new road, or in instances of substantial modifications to an existing road, on the safety and performance of the road network. (Refer to TII standards: PE-PMG-02001 Road Safety Impact Assessment, 2017)
  - B) Road Safety Audit (RSA) involves the evaluation of road schemes during design, construction and early operation to identify potential hazards to all road users. RSA is to be carried out on all new national road infrastructure projects and on any schemes/proposal which results in a permanent change to the layout of a national road. (Refer to TII standard: GE-STY-01024 Road Safety Audit, 2017 and GE-STY-01027 Road Safety Audit Guidelines, 2017).

#### **15.7.5 Stopping Distances and Sightlines**

- Sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration.
- Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.
- Where the improvement of sightlines requires the removal of hedgerow, developers must retain as much of the existing hedgerow as possible and must provide a clear justification for the extent of removal of any hedgerow which will be considered by the Planning Authority when assessing planning applications. Planning permission may be refused where the Planning Authority concludes that excessive hedgerow is being removed in order to achieve adequate sightlines. Notwithstanding the above, where any hedgerow is being removed, with the consent of the Planning Authority, the applicant shall submit detailed landscape proposals to minimise the impact.
- In cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing-up of this entrance prior to the use of an alternative access with adequate sightlines.
- All applications for planning permission must clearly indicate the sightlines available at the proposed access.

#### **15.7.6 Access Requirements**

- Generally, where the capacity, width, alignment, or surface condition of the road are inadequate, development will not be favoured.
- Where new development would adversely impact on road drainage, development will not be permitted unless applicants agree proposals with the Council to improve the road.



- Generally, it is the policy of the Council to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern in accordance with the objectives in Section 5.6. The Council also encourages and promotes shared access points in all circumstances.
- Where the removal of hedgerow is required in order to achieve sight lines, the minimum amount of hedgerow shall be removed (see Section 15.2.4 above). Any new boundary should be planted with suitable indigenous species as outlined in section 15.2.4.
- The provision of sheep / cattle grids in new developments adjacent to the Curragh will be mandatory.
- In accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG (2012), the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 50kph apply shall be avoided.

### 15.7.7 Building Lines

- Where developments are permitted in rural areas along National, Regional and County Roads it is the policy of the Council to require compliance with the minimum setbacks as set out in Table 15.7. All measurements are taken from the nearest edge of the road surface. In situations where there is an established building line, new houses, where appropriate, shall conform to the established building line.

Motorways	91m
National Primary	91m
National Secondary	91m
Regional Road	31m
County Road	18.5m

**Table 15.7 - Building Lines from Public Roads in Rural Areas**

Where developments are proposed within an area adjacent to a National or Regional Road, the Planning Authority will have regard to the requirements of Transport Infrastructure Ireland and The National Roads Design Office in relation to Building Lines.

- Building lines in developed areas will be determined having regard to the historic urban grain of the area and the need to provide pedestrian friendly streets with a sense of enclosure. Proposed developments should have regard to Chapter 14 Urban Design Guidelines on this matter.
- Proposals for residential developments near busy roads in urban areas and adjacent to transportation corridors will be required to demonstrate how the impacts of noise are avoided, prevented or mitigated and shall have regard to planning guidance issued by the Local Authority or nationally. A key element is a Noise Impact Assessment / Acoustic Design Statement report to demonstrate the application of good acoustic design to ensure:

- i) Units or blocks have been spatially located within the site to minimise noise impact from in-borne transportation noise
  - ii) Noise sensitive rooms within each unit or block have been designed so as to minimise in-borne noise impact
  - iii) adequate building ventilation and thermal comfort, in all living areas (e.g., living rooms, bedrooms) with openable windows in accordance with the internal noise level guidelines, as outlined in BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings;
  - iv) private external amenity areas can be enjoyed as intended taking cognisance of environmental noise levels.
- Where a development requires that the existing roads / footpaths and public lighting be improved / extended, or any other works carried out to facilitate a development, the developer may be required to provide these as a condition of planning permission.

### 15.7.8 Car Parking

- Car parking standards are set out in Table 15.8 below to guide proposed development. Parking standards are **maximum** standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision set out below.
- The use of shared car schemes will be encouraged in appropriate town centre and urban locations.

Residential	
House	1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater
Apartment	1.5 spaces per unit + 1 visitor space per 4 apartments
Other Accommodation	
Hotel / Guesthouse	1 per bedroom
Nursing Home	1 per 3 residents
Student Accommodation	To be determined by the Planning Authority on a case-by-case basis

<b>Retail</b>	
Convenience	1 per 20sqm gross floor area
Convenience > 1000 sq m GFA	1 per 15 sqm gross floor area
Comparison	1 per 20sqm gross floor area
Warehousing / Showrooms	1 per 30 sqm gross floor area
<b>Other Commercial</b>	
Bank / Financial Institution	1 per 14sqm gross floor area
Lounge / Bar	1 per 15sqm gross floor area
Restaurant / Cafe	1 per 10sqm gross floor area
Takeaway	1 per 20sqm gross floor area
Function Room, Club	1 per 10sqm gross floor area
<b>Enterprise / Employment</b>	
Industry / Manufacturing	1 per 33 sqm gross floor area
Warehousing	1 per 100sqm gross floor area
Office Town Centre	1 per 30 sqm gross floor area
Office Park	1 per 20 sqm gross floor area
	Where the floor area exceeds 1500 sqm, 1 space per 50 sqm
<b>Education / Childcare</b>	
Crèche	0.5 per staff member plus 1 per 4 children
Primary School	2 per classroom
Secondary School	2 per classroom
University / College of Higher Education	1 per classroom + 1 per 5 students
<b>Medical</b>	
Hospital	1.5 per bed
Clinic / Group Medical Practices	2 per consulting room
<b>Community / Recreational</b>	
Theatre, Cinema	1 per 4 seats
Church or other place of worship	1 per 4 seats

Stadium	1 space per 3 seats
Playing fields	15 spaces per pitch
Gymnasium / Recreation Centre	1 per 15 sqm gross floor area
Community Centre / Library	1 per 10 sqm gross floor area
Funeral Home	1 per 10 sqm gross floor area

**Table 15.8 - Maximum Car Parking Standards**

- The Council reserves the right to alter the requirements outlined above, having regard to the circumstances of each particular development, on a case-by-case basis. For any use not specified, the default parking rate will be calculated based on those of a comparable use and / or as part of a Transport and Traffic Assessment.
- Additionally, the maximum provision of parking should not be viewed as a target. Lower rates of parking and car-free developments should be considered in the first instance, particularly where such developments are close to and can avail of public transport. In addition, the Council will have regard to:
  - The proximity of the site to the town centre and services that fulfil day-to-day needs;
  - The potential for linked trips (where multiple needs are fulfilled in one journey);
  - The nature of the uses of the site and likely durations of stays;
  - Park and Stride initiatives;
  - The nature of surrounding uses and potential for dual use of parking spaces depending on peak hours of demand;
  - Proximity to public car-parking areas;
  - The need to protect the vibrancy of town centres and regenerate vacant / underused buildings;
  - Any modal shift demonstrated through a Traffic and Mobility Assessment; and
  - The suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme, as part of a grant of planning permission.
- The Council will normally require the provision of car parking spaces within the curtilage of the site or convenient to the development.
- The Council requires the submission of a Mobility Management Plan with planning applications where developments include substantial parking requirements. This should outline a series of measures to encourage sustainable travel modes and reduce car-borne traffic within a development
- The safe movement of walkers and cyclists shall be prioritized with a requirement to provide safe segregated cycling/walking routes where developments include substantial parking requirements.

- In addition to car parking standards, sufficient space will be required within the curtilage of the site for all service vehicles involved in the operation of the business or building. Set down / drop-off areas and coach parking areas should be provided as appropriate.
- The minimum size for a car parking space shall be:
  - Car parking bay: 2.5m x 5.0m
  - Car parking bay (disability / accessible space): 5m x 3.75m
  - Loading bays: 3m x 6m.
  - Circulation aisles: 6m wide.
  - 5% of parking spaces in non-residential developments should be set aside for disabled parking.
- The electric vehicle charging infrastructure requirements are set out in Table 15.9 below to guide proposed development.

New buildings or buildings undergoing major renovations (containing one or more than one dwelling)	As per Chapter 5 - Objective TM O117 and TM O118.
New buildings or buildings undergoing major renovations (other than a dwelling)	As per Chapter 5 - Objective TM O117.

**Table 15.9 - Electric Vehicle Charging Infrastructure Requirements**

- New residential development should take account of the different criteria regarding car parking including:
  - A reduction of car parking standards will be considered on a case-by-case basis, having regard to 'Sustainable Urban Housing: Design Standards for New Apartments (2020)' where applicable.
  - Vehicular parking for detached and semi-detached housing which should be within the curtilage of the subject house;
  - Vehicular parking for apartments, where appropriate, should generally be at basement or undercroft level. Where this is not possible, parking for apartments and terraced housing should be in informal groups overlooked by residential units;
  - The visual impact of large areas of parking should be reduced by the use of screen planting including semi mature native trees connecting to existing green infrastructure networks, where possible, low walls and the use of different textured or coloured paving for car parking bays; and
  - Parking spaces for visitors should be a minimum of 10% of the overall number of parking spaces provided in new residential developments.
  - New or substantially expanded private car parks will be required to erect appropriate signage clearly indicating to the public that they are a privately owned facility as a condition of any granting of permission for such development.

### **15.7.9 Street Lighting and Public Utilities**

- Street lighting should, at a minimum, comply with the standards set out in the most recent revision of the Kildare County Council document ‘Street Lighting Technical Specification’ and Section 5.12 of this Plan.
- The planning authority may require residential schemes to comply with any forthcoming “National Specification for Public Lighting”.
- Adequate public lighting should be provided for road safety reasons and for the safety of all pedestrians, cyclists and minority groups. Lighting levels within a new development must create a secure environment. Dark corners and alleyways must be avoided.
- Require all lighting design strategies to be developed to minimise impacts on biodiversity, particularly bats, in accordance with Section 5.12 of this Plan.
- Landscape Proposals should detail public lighting locations and ensure tree planting will not compromise any proposed street lighting in accordance with Section 5.12 of this plan.
- Where a residential development has not yet been taken in charge by the County Council, the developer is responsible for the management and maintenance of the public lighting in the development, including the payment of all utility bills.
- To preserve the amenity and visual character of an area, and in the interests of public safety, all services including electricity, public lighting, telephone, broadband and television cables shall be provided underground in appropriate ducting in all new developments. Provision should be made for the unobtrusive siting of transformer stations, pumping stations and other necessary service buildings. Pole mounted equipment (such as transformers) will not be permitted.
- The Planning Authority will require utility boxes to be carefully integrated into the surrounding environment. Conditions may be included in permissions in relation to external materials and screening for such utility boxes or any above ground installations.

### **15.8 Surface Water**

Sustainable Drainage Systems are the most appropriate way to managing surface water run-off. Nature Based Surface Water Management solutions should be considered in the first instance as they are measures which are inspired and supported by nature.

Sustainable drainage uses both landscaped features and harder engineering. Landscape features include green roofs, and more natural features such as ponds, wetlands, and shallow vegetated channels (swales). Harder engineered SuDS components, such as permeable paving, and soakaways can be used particularly in high density developments.

Sustainable drainage needs to be considered as early as possible in the planning process to reduce the need for retrofit solutions and should be imaginatively designed by a multi-disciplinary team comprising of engineering, landscape, architecture and ecological professionals. The management of surface water run-off is a key consideration in the assessment of planning applications.

All planning applications for developments shall include proposals for the following<sup>3</sup>:

- Detailed proposals for the management of surface water, where Nature Based Surface Water Management solutions are considered and prioritised in the first instance. Groundwater monitoring, if required, should last at least 6 months and include at least one winter season.
- A Surface Water Management Plan shall be submitted which includes details inter alia the location, design and any future maintenance proposals / procedures required to maintain the surface water management system.
- Proposals for surface water management shall be in compliance with the Greater Dublin Drainage Strategy (GDSDS), in particular Volume 2 Chapter 6 Stormwater Drainage Design Criteria, and CIRIA SuDS Manual (C753) and with Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Best Practice Interim Guidance Document (2021, DHLGH).
- In the event that a Nature Based Surface Water Management solution is not feasible, detailed information must be submitted to explain why it was not considered to be a practical solution. Traditional drainage systems will only be permitted where a demonstrable exceptional circumstance has been provided.
- Sustainable Drainage Systems should not form part of the public open space provision, except where they contribute in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of the open space provision shall be taken up by SuDS.
- In the event that underground attenuation storage structures are required, they will not be accepted under areas of public open space, save in exceptional demonstrable situations.
- All existing site watercourses shall be retained and existing site pipework should be “de-culverted” where feasible.

## **15.9 Employment Including Extractive Industry and Agricultural Buildings**

The above uses have significant potential to impact on the landscape. Applications will be required to ensure that development is in accordance with the guidance provided in Chapter 13 Landscape, Recreation and Amenity, in particular Tables 13.3 and 13.4, having regard to the compatibility between the land-use and the principal Landscape Character Areas of the county, and the proximity to Landscape Sensitivity Factors.

### **15.9.1 Employment Uses**

The following information should be submitted as part of any application for industrial / commercial / business development:

- Details of the nature and scale of the proposed operation, to include opening hours and anticipated traffic levels.

<sup>3</sup> Insufficient details submitted at planning application stage may incur requests for additional information or a refusal of planning permission.

- Availability of adequate services to cater for the development, or the ability of the applicant to provide these services in a manner which does not adversely impact on surrounding properties or the broader environment.
- Proposals for the safe storage and disposal of waste in a manner which is visually and environmentally acceptable.
- Storage should generally be confined to the rear of the premises; height should be such that the materials stored are adequately screened either by the building unit or an alternative screening method.
- Compatibility of existing adjacent land uses with the proposed development, and mitigation measures to preserve and protect the amenity of the adjacent uses, should this be necessary.
- Availability of adequate sight lines (or a demonstration by the applicant to provide same) as per the relevant NRA Standards and safe road access for anticipated levels of traffic to be generated by the proposed development. Generally, only one vehicular access point will be permitted.
- Adequate parking and circulation areas should be provided by the applicant within the curtilage of the proposed development, unless otherwise agreed with the planning authority.
- Advertising signage shall be detailed at planning application stage and shall be sympathetic in size, scale, design, materials and colour with the surrounding landscape / streetscape. Lighting should be unobtrusive and should not adversely affect traffic safety on adjacent roads.

### **15.9.2 Industry and Warehousing Development**

Industry and warehousing schemes will be required to present a good quality appearance, helped by landscaping and careful placing of advertisement structures. In relation to industrial development the following should be taken into consideration:

- Individual buildings should exhibit a high quality of modern architectural design and finish (including the use of colour). Prominent corner-face of buildings shall be appropriately articulated;
- In the case of two or more industrial / warehouse units, a uniform design is required for boundary treatments, roof profiles and building lines;
- Areas between the building and road boundary may include car parking spaces provided adequate screen planting is incorporated into the design proposal;
- Adequate provision shall be made on the site for parking of vehicles, storage and stacking space. Storage and stacking areas shall be located to the rear of the building or, where such facilities are located at the side, provision for screening shall be made;
- The building line from adjoining land-uses will be determined at Local Area Plan level having regard to the nature of uses and site-specific matters, or in accordance with Section 15.7.7 of this Plan;
- The front building line shall be as determined in consultation with the planning authority and, where required, the existing roadside boundary shall be set back;
- Any industrial or commercial development shall not be injurious to the residential amenity of adjoining properties;



- A landscaping plan shall be included with any planning application which details landscaped areas to the front of the building line and the provision of a buffer zone (minimum 5-10 metres) where the development adjoins another zoning or where it would impact on the amenities of adjoining land uses;
- Proposals shall be submitted to incorporate Sustainable urban Drainage Systems (SuDS) and other nature-based surface water drainage solutions as part of all plans and development proposals. Priority shall be given to SuDS that incorporate green infrastructure and promote biodiversity including green roofs, walls and rain gardens, with underground retention solutions only being considered when all other options have been exhausted.
- Other measures that address climate change shall include the encouragement and support of solar and wind energy as part of any proposals.
- Signage shall be an appropriate scale and designed into the scheme.
- Any mechanical plant or air handling units shall be appropriately screened.

### **15.9.3 Business and Technology Parks**

Planning applications for new Business and Technology Parks shall be brought forward in the context of a masterplan for the subject lands. The masterplan shall be consistent with the policies and objectives of this Plan and shall include the following:

- Prominent corner / face of buildings shall be appropriately articulated.
- A comprehensive landscaping and boundary treatment plan for the overall site, with particular attention placed on boundaries facing public realms and roads;
- A Green Infrastructure Plan which retains and enhances where possible existing wetland habitat, hedgerow, woodlands, meadows and habitats of species protected under European legislation and National Wildlife Acts & provides for wildlife corridors;
- Creates new green infrastructure assets such as public open space, ponds, green roofs, green walls, tree planting, street trees and natural pollination zones;
- Increases and improves ecological corridor connectivity and pedestrian and cycle path linkages with existing green infrastructure assets in the area. Where a large site adjoins a green corridor, a public open space or an area of high ecological value, any new public open space on the site should be contiguous to same to encourage visual continuity and expansion of biodiversity which can assist in expanding the green infrastructure network;
- Incorporates Nature Based Drainage Systems such as ponds, bio- retention areas, detention basins, infiltration basins, filter strips, street trees, wetlands, swales and rain gardens.
- A Green Roof covering a minimum of 60% of the roof shall be provided for roof areas greater than 300 m<sup>2</sup> unless a suite of complementary or alternative 'soft' SuDS measures as detailed above are proposed. A proposal that relies solely on attenuation storage systems and/ or permeable paving as an alternative to the provision of a Green Roof will not be acceptable.
- Signage shall be an appropriate scale and designed into the scheme.
- Any mechanical plant or air handling units shall be appropriately scaled.

In addition, the following details shall be submitted with any planning application for new Business and Technology Parks;

- Full details of the proposed use(s), including industrial processes (where applicable) and hours of operation;
- Details of suitable access arrangements, internal road layouts, including details of footpaths, turning areas and loading bays.
- Permeability and pedestrian and/ or cyclist friendly environments within the overall site in accordance with the NTA's Permeability Best Practice Guide (2015);
- Overall traffic assessment;
- Car and bicycle parking provision shall be in accordance with Sections 15.7.2 and 15.7.8 of this Plan, respectively, and shall provide, a discreet, landscaped and well-screened environment with a view to minimising its visual impact, particularly when viewed from approach roads;
- Provision for future access to adjoining third party lands will be required to run to the site boundary without any ransom strips.

The above list is not exhaustive and the Council may require additional information, as necessary, on a case by case basis.

#### **15.9.3.1 Individual Units in Business and Technology Parks**

The design and siting of individual units in Business and Technology Parks shall comply with the principles of any Design Statement prepared as part of the masterplan for the overall site. In general,

- Individual buildings should exhibit a high-quality contemporary design and finish, within an agreed scheme;
- Car and bicycle parking shall be provided in a discreet, landscaped and well-screened environment with a view to minimising their visual impact, particularly when viewed from approach roads;
- The building line on all main road frontages should generally not be less than 15 metres from the road and there should be a minimum planted strip of a width of 5 metres (minimum) on all principle road frontages; and
- Any mechanical plant or air handling units shall be appropriately screened.

#### **15.9.3.2 Energy Efficiency and Climate Change Adaptation Design Statement (Industry, Warehousing, Business and Technology Parks)**

Development proposals for Industrial, Warehousing, Business and Technology Park developments in excess of 1,000 m<sup>2</sup> of commercial floor space should be accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement.

The statement should detail how any on-site demolition, construction and long-term management of the development will be catered for and how energy and climate change adaptation considerations have been inherently addressed in the design and planning of the scheme.

Such developments shall have regard to;

- the requirements of the current Building Regulations Part L – Conservation of Fuel and Energy (2008 and 2011), and any other supplementary or superseding Regulations or guidance documents.

- the DECLG guidance document 'Towards nearly Zero Energy Buildings in Ireland - Planning for 2020 and Beyond', which promotes the increase of near Zero Energy Buildings (nZEB).

New development proposals shall show how energy efficiency is achieved through siting, layout, design and incorporate best practice in energy technologies, conservation and smart technology.

The author of an Energy Efficiency and Climate Change Adaptation Design Statement should be appropriately qualified or competent and shall provide details of their qualifications and experience along with the statement.

#### **15.9.4 Outdoor Smoking Areas**

Outdoor smoking in front of buildings can seriously distract from the amenities and appearance of spaces. This issue is of particular concern at public buildings and buildings with large numbers of employees. It shall be a requirement of planning permission that smoking areas are sheltered and located away from entrances and other prominent places, in order to avoid a negative impact on individuals accessing the building and/or on the appearance of the public realm.

#### **15.9.5 Loading and Unloading**

In addition to the general car parking requirements, service parking spaces may be required for cars or other vehicles not necessarily involved in the operation of the business or a particular building, e.g. delivery and collection of goods. In all major developments of an industrial / commercial nature, developers will be required to provide loading and unloading facilities sufficient to meet the likely demand of such development.

#### **15.9.6 Extractive Industry**

When assessing planning applications for quarry and ancillary developments, the Council will have regard to;

- Section 261 and Section 261A of the Planning and Development Act, 2000 (as amended);
- the Quarries and Ancillary Activities Guidelines 2004 and any amendments to the Guidelines which may be made, and
- the Environmental Protection Agency's (EPA) publication 'Environmental Management in the Extractive Industry (non-scheduled minerals)' 2006.

In addition to the above, all planning applications for quarry and ancillary developments, such as batching plants, crushing and screening, shall appropriately detail the environmental baseline of the area in which extraction is proposed, the likely impacts and proposed mitigation measures relating to;

- Human health;
- Groundwater, surface water and important aquifers and compliance with the objectives of the Water Framework Directive;
- Natura 2000 sites (Special Areas of Conservation and Special Protection Areas), Natural Heritage Areas, proposed Natural Heritage Areas and other sites for environmental or ecological protection such as Statutory Nature Reserves, Ramsar Sites, Wildfowl Sanctuary and Biogenetic Reserves;
- Flora and fauna;

- Sensitive local receptors such as residences, Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects, and Key Amenity Routes as outlined in Chapter 13 of this Plan;
- Landscaping, berms and screening proposals;
- Local transportation networks with particular reference to details of haul routes, trip movements and articulated lorry weights;
- Noise, vibration, and dust emissions; and
- Archaeological and architectural heritage of the area.

Planning applications shall also include general details on the proposed development as follows:

- Project description:
- Map(s) showing (a) total site area, (b) area to be excavated, (c) any ancillary proposed development, (d) nearest dwellings or any other development (within 1 km of the site); Description of aggregate to be extracted and / or processed;
- Description of cumulative impact when taken together with all other quarries in the vicinity;
- Method of extraction and equipment to be used;
- Details of storage of materials and overburden;
- Total and annual tonnage of extracted aggregates, expected life of the extraction, maximum extent and depth of working;
- Details of any blasting;
- Fuel and chemical storage;
- Floor levels showing depths of extraction.
- Phasing programme for extraction and rehabilitation;
- Restoration and after care proposals for the site (plans and section drawings), including long-term quarry face stability, long-term water pollution potential and control, removal of buildings, plant and machinery, fencing and security.
- Remediation plans provide for environmental benefit, biodiversity, and re-wilding rather than simply re-grassing and reverting back to agricultural use / sheep grazing.

In order to facilitate the sustainable development of the extractive industry, the Council will require the lodgement of a financial bond to ensure the satisfactory reinstatement of the site following the completion of extraction and the payment of an adequate contribution towards the upgrading or repair of the local road network.

Traffic Assessments and Road Safety Audits may be required as part of any application. Proposals for batching plants, crushing, and screening on exhausted quarry sites are required to provide details on the source of aggregate and also the number of expected trips from source to plant and then from plant to offsite.

**Note:**

- The Council favours the use of existing authorised and planning compliant quarries over proposals for extraction from green field sites.
- The Planning Authority, may in certain instances, depending on the size and characteristics of the proposed development, require the preparation of a Natura Impact Statement, Environmental Impact Statement, and other assessments. However, it should be noted that the Council may require additional information, as necessary, on a case-by-case basis.

### **15.9.7 Home-Based Economic Activity**

Home based economic activity, defined as small scale commercial activity carried out by residents of a house, being subordinate and ancillary to the use of the house as a single dwelling unit will only be granted to the resident of the dwelling and will be restricted to use by the applicant. Permission will not normally be granted for such changes of uses in apartments.

Planning applications for home based economic activity shall contain (at a minimum) the following details, though the Council may require additional information, as necessary, on a case-by-case basis;

- The nature and extent of the work;
- The effects on the amenities of adjoining occupiers, particularly in relation to hours of work, noise and general disturbance;
- Anticipated levels of traffic generated by the proposed development and the potential increased demand for parking;
- Arrangements for the storage of refuse and collection of waste;
- Appropriate levels of screening / landscaping; and
- Whether or not the proposed development will be open to visiting members of the public.

Applications may be subject to a temporary permission, in order to enable the planning authority to monitor the impact of the development.

### **15.9.8 Agricultural Developments**

The traditional form of agricultural buildings is disappearing with the onset of advanced construction methods and a wider range of materials. Some new farm buildings have the appearance of industrial buildings and, due to their scale and mass can have serious visual impacts.

- In the construction and layout of agricultural buildings, the Council will require that buildings be sited as unobtrusively as possible, working with the contours of the land and that the finishes and colours used blend into the surroundings. The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to their surroundings in scale, materials, and finishes.
- Appropriate roof colours are dark grey, dark reddish brown or a very dark green. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green, red, or grey) with matt finishes will normally be required.
- New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated, to the satisfaction of the Planning Authority, that the building must be located elsewhere for essential operational reasons. The grouping of agricultural buildings will be encouraged in order to reduce their overall impact in the interests of amenity;
- The removal of hedges to accommodate agricultural developments shall only be permitted with the written agreement of the Planning Authority and shall only be considered as a last resort. It is important that hedgerows are retained in order to maintain and enhance existing green infrastructure networks in the interests of biodiversity. When retaining boundary hedgerows, the council requires suitably sized infill planting where possible. A landscaping plan is required as part of an application for agricultural development and should include screening and

shelterbelt planting, composed principally of native species as listed in section 15.2.4 Chapter 15, Development Management Standards.

- Other considerations which will arise in agricultural developments will be traffic safety, pollution control, and the satisfactory treatment of effluents, smells and noise. Proper provision for disposal of liquid and solid wastes must be made. In addition, the size and form of buildings and the extent to which they can be integrated into the landscape will be factors which will govern the acceptability or otherwise of such development.
- Agricultural developments shall also demonstrate that the proposal does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.
- Proposals for preventing surface water run-off onto the public road shall be included with planning applications.

#### **15.9.8.1 Piggeries and Intensive Poultry Units**

In addition to the requirements of 15.9.8, proposed piggeries and intensive poultry units shall;

- Detail methods for waste management including frequency and location of disposal relative to proposed unit;
- Demonstrate the availability of sufficient land for land spreading by submitting maps showing the location of all spread lands and outlining the time of spread;
- Outline storage tank capacities;
- Detail distance from watercourses, with a minimum distance of 30 metres in all cases;
- Detail distance from houses and public buildings, with a minimum distance of 100 metres except with the consent of the owner; and
- Detail distance from European designated sites and the need for Appropriate Assessment.
- Include details of air pollution arising from the units and effluent storage, transportation and spreading;
- Be accompanied by traffic management plans for significant developments following consultation with the Planning Authority; and
- Include a statement outlining why the proposed location on the landholding was deemed more appropriate than alternative options. If the Planning Authority considers a more appropriate location is available on the landholding, the application may not receive favourable consideration.

The above list is not exhaustive, and the Council may require other information including an Environmental Impact Assessment Report and/or Natura Impact Statement as applicable.

### **15.10 Waste Disposal and Recovery**

In assessing development proposals for, or including, waste recovery / disposal facilities, the Planning Authority will have regard to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021 or any superseding document, planning legislation, the County Development Plan policies as set out in Chapter 6 and

other relevant planning documents.

The provision of waste recovery facilities, pre-treatment infrastructure and development of indigenous secondary waste processing, including Material Recovery Facilities (MRF) and Waste Transfer Stations will be facilitated at appropriate locations within the County.

Larger scale proposals for waste recovery / disposal facilities are considered by An Bord Pleanála through the Strategic Infrastructure Development (SID) process. The Planning Authority will contribute to the SID process on relevant proposals.

#### **15.10.1 Waste Recovery / Disposal Facilities**

Planning applications for waste related facilities shall:

- Avoid siting waste facilities in sensitive areas such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), proposed NHAs, areas protected for landscape character, visual amenity, geology, heritage or cultural value, or areas at risk of flooding. Development proposals for such infrastructure in these areas, will not be permitted.
- Undertake Appropriate Assessment Screening. Development will not be permitted in the absence of screening, or a Stage 2 Appropriate Assessment if required.
- Be screened for the requirements of mandatory and sub-threshold Environmental Impact Assessment. An Environmental Impact Assessment Report (EIAR) shall be submitted as required.
- Include details of the nature of the operation, the type, source, and volume of waste material to be processed and its method of processing, including hours of operation and duration of permission sought for the council's consideration.
- Include a Traffic Impact Assessment (TIA) outlining details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes.
- Ensure a Sustainable urban Drainage System (SuDS) is applied to any proposed developments, and that site-specific solutions to surface water drainage systems are developed, which meet the requirements of the EU Water Framework Directive and associated River Basin Management Plans.
- Provide details of potential noise, fumes, odours, dust, grit, vibration, and lighting, including control / mitigation measures proposed. Monitoring of same, is also required.
- Have regard to the impact on residential and visual amenity of the area. The Council will consider the proximity to residences and the impact on same (including through the considerations of traffic, emissions etc. outlined above).
- Provide for adequate screening of the proposed development through the submission of detailed landscaping plans and boundary treatment proposals.
- Submit sufficient detail in relation to restoration and remediation measures following cessation of the proposed development, including a timeframe for implementation, and anticipated finished landform. A bond will be required to ensure the appropriate restoration works are undertaken.

### **15.10.2 Construction and Demolition Waste**

Construction & Demolition waste management is now a priority objective under the new National Waste Management Plan for a Circular Economy. Detailed waste management plans will be required to be produced and delivered on for all new development regardless of their size in accordance with the latest EPA Guidelines, where the emphasis will be on waste minimisation and reuse, followed by sustainable and environmentally friendly disposal to suitably licensed facilities.

### **15.10.3 Bring Banks and Recycling Facilities**

Provision of “Bring Bank” facilities shall be required in conjunction with significant new commercial / retail developments (particularly convenience supermarkets) or extensions to same, and in conjunction with large scale residential and mixed- use developments. The Council shall move towards ensuring that bring bank facilities are accessible to as many members of the public as possible.

Bring bank facilities shall include receptacles for glass, cans, and textiles and, where practicable, receptacles for paper, cardboard, plastics, batteries, light bulbs, and certain waste oils. In the case of large retail developments, space shall also be provided for reverse vending machines to promote the circular economy. Each application including bring bank and recycling facilities will be assessed on its own merits having regard to the following:

- Proximity to residential areas.
- The provision of an area of at least 10m by 4m.
- Accessibility for public, truck access and clearance heights.
- A hard standing area and safe pedestrian walkway.
- A vehicle set down area only with no permanent parking provision.
- Suitable lighting and CCTV monitoring; and
- Noise mitigation, screening and/or landscaping as considered necessary by the Council.

## **15.11 Energy and Communications**

### **15.11.1 Wind Energy Proposals**

When assessing planning applications for wind energy developments the Council will have regard to the Kildare Wind Energy Strategy contained in Appendix 2 of the Development Plan. The Strategy designates areas across the county where wind energy developments are acceptable in principle, open for consideration and not normally permissible. These designated areas indicate where wind energy is favoured spatially by the council over this Development Plan period.

All wind energy developments require compliance with the provisions of the Department of the Environment, Heritage and Local Government’s Draft Revised Wind Energy Development Guidelines (2019). Applications shall be supported by both technical and environmental reports which assess a wide variety of considerations which are outlined in detail in Section 6 of the Wind Energy Strategy.



The Council may also require an Environmental Impact Assessment Report to be submitted as part of any planning application for large scale commercial wind turbine schemes.

It is the preference of the Planning Authority that the spacing between turbines should be kept to a minimum in order to reduce the visual impact and footprint of the development on the landscape, and where possible the distance between turbines should not be greater than the distance between a dwelling house and a turbine, subject to technical considerations and site conditions.

#### **15.11.2 Solar Energy Proposals**

All applications for proposed solar farm developments shall have due regard to the considerations listed in Section 7.6 'Solar Energy' in Chapter 7.

#### **15.11.3 Applications Proximate to Overhead Lines**

In relation to development proposals proximate (within 23 metres) to overhead electrical infrastructure, developers / applicants should contact ESB in advance of completing or finalising designs etc. (i.e. prior to pre-planning stage), so as to ensure that the relevant clearances are maintained from any overhead electricity infrastructure. The Council will have regard to those clearances.

#### **15.11.4 Telecommunications and Supporting Infrastructure**

Proposals for telecommunications antennae and support structures will be assessed in accordance with the Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, DELG, (1996), as revised by Circular Letter PL 07 / 12, and any other publications and material as may be relevant in the circumstances.

Planning applications for new facilities should include:

- Details of the significance of the proposed development to the telecommunications network, including a map of the area and existing coverage in the area.
- A technical explanation of the reasons why coverage cannot be provided by existing antennae.
- Site sharing and clustering of equipment will be encouraged.
- Written evidence of site-specific consultations with other operators with regard to the sharing of sites and support structures. The applicants must satisfy the Council that a reasonable effort has been made to share installations. In situations where it is not possible to share a support structure, the applicants will be encouraged to share a site or to locate adjacently so that masts and antennae may be clustered. A map showing the location of all existing structures within a minimum 2km radius of the proposed site shall be submitted.
- Evidence of consideration of alternative sites and explanation of their unsuitability.
- Visual impact assessment and mitigation measures (e.g., low and mid-level landscape screening, use of tree-type masts, colour treatment of masts / antennae).

When evaluating planning applications for the provision of such infrastructural installations, the Council will seek to ensure that:

- The preservation of residential and visual amenity is considered.
- The telecommunications infrastructure is sited so as not to cause a negative impact on the special character and appearance of designated conservation areas, protected structures and sites of archaeological importance.
- The location of commercial masts on State buildings will be discouraged. All masts on State buildings shall have regard to national and Council policies regarding schools and residential areas.
- Only as a last resort will masts be permitted within or in the immediate surrounds of smaller towns or villages, in a residential area or near a school, hospital or residential care home. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific locations. The support structure should be kept to the minimum height consistent with effective operation. At such locations the support structure should be monopole or poles rather than a latticed tripod or square structure.
- In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land. The use of existing structures is always preferable to the construction of an independent antennae support structure. The possibilities offered by some commercial or retail areas should be explored in terms of potential locations for “disguised” masts. Tall buildings and rooftops, where antennae can be treated to blend in with surroundings, should be considered.
- In rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account. The possibility of placing towers and masts in forestry plantations should be considered, provided of course that the antennae are clear of obstructions. Where masts are located outside of forested areas, applicants will be required to indicate the technical reasons why forest areas are unsuitable. The design and visual appearance of masts, antennae and satellite dishes and their associated equipment, shall be as unobtrusive as possible. Sensitive design, painting of masts and screening will be expected to minimise visual impact. Green or black is a preferred colour at ground level.
- Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished / removed, and the site reinstated at the operator’s expense. This will be a condition of planning permission.
- In accordance with the Habitats Directive, any project not directly connected with or necessary to the management of a 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 sites’ conservation objectives.

## **15.12 Seveso Sites**

Planning authorities are required to have regard to the potential effects of relevant development in terms of the risks or consequences of a major accident for public health and safety.

Planning applications pertaining to or in proximity to Seveso sites are referred to the Health and Safety Authority (HSA) for their input.

In assessing proposals, the Planning Authority will have regard to the technical advice of the HSA in relation to proposed development and proposed land use(s). The Planning Authority will consider the need to maintain an appropriate safe distance of such establishments from residential areas, areas of public use, and areas of particular natural sensitivity, and will also consider the need to minimise risk to strategic infrastructure. For some types of development, particularly those involving large numbers of people and vulnerable occupants, the Planning Authority will consider the societal risk, i.e. the risk of large numbers of people being affected in a single accident.

Developers of Seveso sites and any sites within the consultation distances of these industries (See Section 4.14) are encouraged to consult with the HSA at the pre-planning stage to assess the impacts of their proposals.

## **15.13 Retail Development**

### **15.13.1 Criteria for Assessment**

Applications for significant retail development as outlined in Chapter 8 will be assessed in accordance with the following criteria:

- (i) The need to support the long-term strategy for town and village centres in the County Retail Hierarchy, as established in this Plan;
- (ii) The potential of the development to increase employment opportunities and promote sustainable economic regeneration in both urban and rural centres across all levels of the County Settlement and Retail Hierarchies;
- (iii) The potential of the development to increase the competition of the county regionally, nationally and internationally, as appropriate, and thereby attract further consumers/shoppers to the county and its towns and villages;
- (iv) Whether the development would respond to consumer demand in its retail offering and not diminish the range of activities that all centres across the County Retail Hierarchy can support and sustain;
- (v) Whether the development would cause an adverse impact on one or more centres in the County Retail Hierarchy, (either singly or cumulatively with recent developments or outstanding permissions which have a realistic prospect of implementation) sufficient to undermine the quality of the centre(s) or its wider function in the promotion and encouragement of the arts, culture, leisure and public realm functions, all of which are critical to the economic and social life of communities in the county;
- (vi) Whether the development would cause an increase in the number of vacant properties within the designated Core Retail Areas of towns at the higher levels of the County Retail Hierarchy but also generally in respect of the smaller, more rural centres in the county;

- (vii) Whether the development would ensure a high standard of access by public transport, foot, and private car so that the proposal is easily accessible by all sections of society. Specifically, details of proposed Mobility Management Measures should be provided which outline how the proposed development could improve the accessibility of retail areas while aiming to contribute to the development of pedestrian and cyclist friendly centres and vibrant street and village life. This criterion is, on the whole, directed at applications in the county's main retail centres in recognition of the fact that communities in centres and areas in the more rural parts of the county are highly reliant on the private car, given both the lack of public transport and the distances involved; and
- (viii) Whether the development would link effectively with the town / village centre in which the development is proposed so that there is likely to be commercial synergy.

In addition, the Council will seek that applications for new retail developments address and provide evidence in respect of the following:

- The relationship of the application to any Development / Local Area Plan allocations;
- An assessment of the proposal against the tests of the Sequential Approach, with specific information provided if a brownfield town or village centre site is not being promoted in the application. It should be demonstrated that all town or village centre options have been fully evaluated and that flexibility has been adopted in respect of the retail format;
- Qualitative and quantitative need for the proposal must be demonstrated, and it must be in accordance with the centre's role and level in the County Retail Hierarchy. In respect of quantitative need, this should be derived from the expenditure capacity within the relevant catchment area, which should be appropriate to the nature and quantum of the retail floorspace proposed. All applications should provide details of the methodology applied and the source inputs to the capacity assessment;
- The baseline information and capacity / impact assessment must be fit for purpose and transparent. Guidance on what the Council seeks in respect of this in Retail Impact Assessments / Retail Impact Statements (RIA / RIS) is provided in Annex 5 of the Retail Planning Guidelines for Planning Authorities, DECLG (2012)<sup>4</sup> and applicants should give due consideration to this in the preparation of Retail Impact Assessments / Retail Impact Statements;
- The public realm interventions proposed in respect of major applications must be aimed at improving the retail experience through high quality civic design, cleaning and, as appropriate, Business Improvement District (BID) type initiatives;
- The extent to which the public realm interventions associated with new retail development in town and village centres contribute to and enhance the character of the area. Landscape features should form an integral part of the design, with a range of hard and soft landscaping features. The extent of exposed concrete should be minimised; and

<sup>4</sup> P66 of the Retail Planning Guidelines for Planning Authorities, DECLG (2012)

- The extent to which it is relevant to consider the imposition of restrictions on the nature and range of goods permitted for sale.

The Planning Authority will consider hours of operation in assessing planning applications for retail development and may attach conditions restricting same.

### **15.13.2 Local Centres**

In local centres it is a requirement to maintain a balance of appropriate commercial, service, and residential uses. In assessing proposals, the Planning Authority will have regard to the need to maintain and enhance the vitality, viability, and the character of the area.

The impact of proposed development on the primacy of town centres will also be an important consideration in determining any proposal for development.

### **15.13.3 Shopping Centres**

Shopping centres must conform to the highest urban design standards, as is required in the Retail Planning Guidelines for Planning Authorities, DECLG (2012) and its supporting Retail Design Manual. The design must ensure that the proposed centre will be integrated with and complementary to the streetscape and area in which it is located. Elements to be addressed include:

- The scale, design and enclosure of pedestrian space;
- Connectivity with surrounding routes and places. Where possible new connections shall be provided between desirable locations within the surrounding area;
- The provision and design of street furniture including public art, telephones, seats, litter bins etc;
- The provision, within the overall design of the centre, of public facilities, e.g. toilets, separate childcare areas, (including baby changing / feeding facilities that are designed and located away from toilet facilities), access and facilities for disabled people including toilets and parking spaces. The centres, where appropriate, may include offices and medical centres;
- Activities and uses that keep the centre alive both during the day and evening, e.g. cafes, restaurants, public houses and theatres / cinemas (noting that these are generally only sustainable in the higher levels of the county's Settlement and Retail Hierarchy);
- The centre should provide active frontages to surrounding streets and should not be surrounded by car parking. Regard shall be had to the Design Manual for Roads and Streets (2019) on these matters;
- Landscaping plans must accompany all applications. Shopping centres should provide recycling facilities and secure bicycle parking, discreetly located to ensure they do not detract from the ambience and environment of the centre and its immediate surrounds; and
- Where car parking cannot be designed as part of the public domain, security boundary treatments for afterhours may be considered in appropriate circumstances.
- Proposals for shopping centres should include naming and advertising details.

#### **15.13.4 Large Convenience Stores**

The Retail Planning Guidelines, DECLG, (2012) introduced revised guidance and convenience retail floorspace caps with respect to large food stores.

The net convenience floorspace cap applicable to the county is 3,000m<sup>2</sup>. In respect of the comparison component of such stores, the Retail Planning Guidelines 2012 advise that there is no longer a cap on the amount of non-grocery space delineated in applications for new stores or their extension.

Given the potential impact of this on existing town centre comparison floorspace, and the move by a number of major convenience companies to franchise space to mainstream national and international High Street comparison operators, the Council will require a Retail Impact Assessment / Retail Impact Statement to be submitted in support of any application for large convenience stores. Comprehensive details of the nature of goods to be sold shall be provided. Applications for large convenience stores to be developed on suitable brownfield sites within town centres will be encouraged, subject to proper planning and design considerations.

#### **15.13.5 Retail Warehousing**

Applications for retail warehousing shall be limited to bulky goods as described in the Retail Planning Guidelines 2012. As set out in Chapter 8, there will be no exceptions to this, founded on the key objective of sustaining and further enhancing the vitality and viability of all centres in the County Retail hierarchy. The development of further out-of-town retail parks shall also be discouraged to avoid retail parks emerging as out of centre shopping centres. Similarly, the Council will only consider standalone retail units in retail warehouse car parks where they do not detract from the vitality and vibrancy of nearby town centres.

#### **15.13.6 Motor Service Areas**

##### **(i) Motorway Service Areas**

The Council supports the development of on-line motorway service facilities in appropriate locations in accordance with the guidance set out in the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG (2012). The Council will consider proposals for off-line service facilities at appropriate locations where on-line services are not planned and it is demonstrated that the proposal is:

- In accordance with national guidance on the provision of motorway service areas;
- Required to meet the needs of road users on the National Road Network;
- Would not unduly impact on the safety, capacity, or efficiency of the road network; and
- Would not impact negatively on the vibrancy or vitality of nearby town or village centres.

A proliferation of private off-line service area facilities at national road junctions will not be permitted.

## (ii) Fuel Filling Stations

Fuel filling stations must be located on the outskirts of the town or village but inside the 50km or 60km speed limits. The preferred location is on the near side of the roadway on the way out of town.

The essential purpose of fuel filling stations is to provide facilities for the sale of fuels for vehicles. The Council however recognises the more diverse role of fuel filling stations in recent times, and the expansion from merely fuel depots to the provision of a wide range of convenience and other goods and services, including functioning as rest areas.

Applications for planning permission for such development should contain the following elements:

- Detailed proposals with respect to, inter alia, the following; method of disposal of wastewater from carwash areas, traffic management including details regarding the queuing of vehicles to access EV-charging points, surface water outlet and oil interceptors. The development shall be designed and operated to avoid adverse effects on existing road drainage in the area.
- A high standard of overall design, architectural layout, and material content to ensure an attractive development that integrates with and complements or enhances its surroundings. Where proposals include a forecourt canopy, it should be justified given the strategies to reducing carbon fuel sales and integrated into the overall design and sited so that it does not dominate the surrounding buildings.
- Air pump and ancillary services shall be provided as part of any proposal.
- Advertising material should be kept to a minimum and no lighting shall be installed so as to cause glare or interference to any user of an adjacent public road.
- The modification of standard corporate designs may be required by the Council in order to reduce the visual impact of the development in sensitive environments. In such instances, standard fuel filling station canopies can be replaced with more sympathetic canopies designed to the satisfaction of the Council, such as light steel and glass or slated roofs with no attached advertising.
- Strident and multiple colouring should be avoided and will be discouraged. The size and colour should be such as to take cognisance of its setting and location in the landscape.
- The retail floor space of the shop shall not exceed 100 sq.m net; where permission is sought for a floor space in excess of 100 sq.m net, the sequential approach to retail development shall apply in accordance with the Retail Planning Guidelines, DECLG (2012) i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without fuel filling facilities) in the same location.
- The layout of the station forecourt should be arranged to allow dedicated parking for users of the shop. Where an associated shop is proposed, the application shall be considered in accordance with the Retail Planning Guidelines 2012.
- The safe movement of walkers and cyclists shall be prioritised over vehicle movements with a layout of segregated routes to protect vulnerable road users at points of entry/egress and within the site with dishings as required.

### **15.13.7 Fast Food Outlets, Takeaways, Bookmakers, Budget Shops, Vape Shops, Charity Shops, Telephone / Mobile Shops and Amusement / Gaming Arcades**

In order to maintain the appropriate mix of uses and protect the amenities in a particular area, it is the policy of the Council to prevent the excessive concentration of Fast Food Outlets, Takeaways, Bookmakers, Budget Shops, Vape Shops, Charity Shops, Telephone/ Mobile Shops and Amusement/Gaming Arcades. The provision of any of the above will be assessed having regard to the following:

- The number and frequency of such facilities in an area and their cumulative impact in association with the proposed development;
- The need to safeguard the vitality and viability of shopping areas in the town centre and to maintain a suitable mix of retail uses;
- The proximity of such uses to other vulnerable uses, e.g. residences, schools, open space;
- The likely impact on general and residential amenity in terms of noise / disturbance, traffic, parking, litter and fumes;
- Proposed façade design, the type and degree of any advertising / signage and lighting, and the visual appearance of vents / extractors;
- The design shall be required to respect the character of the street and the buildings, particularly within Architectural Conservation Areas.
- The status of the existing unit i.e., is the building in a poor state of disrepair, has it been vacant for a prolonged period and is vacancy a sustained prolific issue in the surrounding area.
- Gaming arcades will not generally be considered other than where the proposal is part of a large tourist attraction.

Noise insulation measures will be required at the time of the submission of the planning application and ongoing noise monitoring may be required. Adequate provision for refuse disposal, storage and collection must be indicated in both new and existing buildings. Fast food / Takeaway facilities should include proposals for on-street bins (with appropriate design for boxes / packaging) and a plan for their maintenance. Proposed opening hours must be specified which will be controlled by the Planning Authority.

### **15.13.8 Hours of Operation and Control of Sales Hatches**

The hours of operation of shops and the use of wall / window / door hatches for shop sales shall be controlled, having regard to the following:

- The effects of noise, general disturbance, hours of operation, litter and fumes on the amenities of nearby residents;
- The need to safeguard the vitality and viability of shopping areas in town centres and to maintain a suitable mix of retail uses;
- Traffic considerations and pedestrian and public safety; and
- The number and frequency of similar facilities in the area.

Sales hatches may be acceptable where shopfronts are removed from the public footpath and a specific need is demonstrated (e.g., late opening fuel filling stations).



## 15.14 Shopfronts

### 15.14.1 Design

- Shopfronts are one of the most important elements in determining the character, quality, and image of retail streets in County Kildare.
- The design of shopfronts should reflect the scale and proportions of the existing streetscape.
- In order to increase the attractiveness of the streetscape, the Council promotes a dual approach to shopfront design
  - Protecting traditional and original shopfronts.
  - Encouraging good contemporary shopfront design.
- The Council promotes and encourages the use of Irish Language signage in the County, including on shop fronts.

### 15.14.2 Planning Permission

- Applications for new shopfronts or modifications to existing shopfronts will be assessed having regard to this Plan, Kildare County Council's Shopfront Guidelines (2013) and any specific requirements contained in a Local Area Plan or Architectural Conservation Area Statement.
- The following **requirements** will apply to all **planning applications** related to new shopfronts or modifications to existing shopfronts:
  - Detailed plans at a scale of 1:50. Such plans should include details regarding the design, colour, and detailing with regards to signage (including window adhesive signage), advertising and lighting.
  - Colour schemes should co-ordinate with adjoining buildings and shopfronts and should be chosen to enhance the proportions and detailing of the whole building. The use of garish colour should be avoided. All signage must be compatible with the existing streetscape. Timber, stone, glass, and steel are preferred materials.
  - Contemporary shopfronts will be encouraged provided they are designed to traditional principles of scale, proportion, and detailing.
  - The appearance and proportions of the original shopfront should be retained.
  - Changes in internal ceiling heights, where required, should not interfere with the proportions and depths of fascias.
  - The twin elements of a fascia board (to carry names and advertising) and pilasters (to frame and delineate the shopfront boundary) shall be provided in all cases.
  - The design must be approached in an integrated way (relate to the whole facade), including advertising, lighting, and other features.
  - Vertical emphasis and proportions should be kept, and plot divisions should be expressed externally (even if the shop crosses them internally).
  - The removal of service wires associated with existing facades will be actively promoted in County Kildare.
- The Council will discourage the following:
  - The removal of features or alterations to existing shopfronts where they are considered by the Council to be of historical or architectural interest, or of

- townscape value;
  - The enlargement or remodelling to a horizontal emphasis of existing windows above ground floor level;
  - The construction of fascias linking two or more buildings / plots which have different architectural identities;
  - The use of large areas of undivided glass or the provision of new display windows with a horizontal emphasis;
  - The permanent removal of the shopfront and the creation of an opening through which direct trading onto the pavement is carried out;
  - The use of standardised brand names, logos, corporate designs as part of shopfront fascia advertising, where it conflicts with the existing streetscape; and
  - The use of external roller shutters and their boxes and projecting brand signs on the exterior of shop-fronts.
- It is acknowledged that retail and other multiples, e.g., turf accountants, banks and building societies tend to have their own corporate identity and standardised signage. In sensitive locations, standard shopfronts can weaken the special local identity of an area. This will not be permitted. Compromise proposals which maintain corporate image without eroding local character will be considered.

### **15.14.3 Advertising on Shopfronts**

- In respect of shops and other business premises, advertising should be designed as an integral part of the shopfront and in most cases will be required to be located within the fascia. Signs will not be allowed to dominate the facade or interfere with windows or other features or detailing on the building.
- The Council will encourage the following types of advertising:
  - The use of traditional painted sign-writing on fascia boards, using appropriate colour schemes;
  - The use of solid block individual lettering affixed directly to fascia boards or facades;
  - The use of spotlighting or floodlighting of fascia boards, shopfronts or entire facades (provided that the light fixtures are of modest form and size and that such lighting will not cause a traffic hazard);
  - The painting of stall risers and other features to enhance the design of the shopfront, using appropriate colour schemes; and
  - The provision of traditional timber or wrought iron hanging signs, with painted or enamelled finishes. Such signs shall be of a limited size and projection and shall be limited to a maximum of one sign for each building facade.
- Commercial interests will not necessarily be allowed to use standardised shopfront design, 'corporate colours' or materials. Compatibility with individual buildings and with the streetscape is considered by the Council to be more important than uniformity between the branches of one company. While each case will be considered on its merits, the following types of advertising will not be permitted by the Council, and will be actively discouraged:

- The use of plastic, PVC, Perspex, and neon signs or lettering or detailing on any exterior.
- Internally illuminated box fascia signs.
- Internally illuminated projecting signs, whether fixed or hanging.
- *Digital (including digital signage boards)*, flashing, reflectorised, neon or glitter-type signs or detailing at any location on the exterior of the building, or so located within the interior as to be intended to be viewed from the exterior.
- The erection of any signs or other devices which project above the level of the eaves or parapet, or obtrude on the skyline, or outside the general bulk of the building.
- The provision of multiple signs, whether small or large, that would cause visual clutter on buildings or within the streetscape of a village or settlement;
- The use of inappropriate brand or corporate advertising.
- Each case will be examined on its merits.

#### **15.14.4 Canopies**

- Planning permission will be required for the erection of canopies/awnings.
- The use of canopies will be considered where shading of a window display is required and not for the primary purpose of increasing advertisement space.
- The erection of canopies in an Architectural Conservation Area (ACA) will be discouraged.
- The erection of canopies should not disrupt views along the street or obscure the shopfront detail or neighbouring shopfront detail and advertising.
- Canopies should always be retractable and should ideally be made of canvas or similar materials. Plastic or fabric canopies and ‘Dutch’ type canopies will not be permitted.
- Canopy colours should be subdued as bright colours could undermine the quality of the street scene.

#### **15.14.5 Roller Shutters**

- It is the policy of the Council to discourage the use of roller shutters and to ensure the removal of unauthorised ones. The erection of a roller shutter and its associated housing requires planning permission.
- Where security shutters are considered to be essential, e.g. because of the type of business transacted or goods stored, and where the location so indicates, the Council may permit them provided that they meet the following criteria:
  - They have regard to the ‘Key Design Recommendation’ in Section 3.4.5 of the County Kildare Shopfront Guidelines, 2013.
  - They must be of the open-grille type or timber panelled shutters painted to match the shop-front colour scheme. This will be favourably considered in place of roller shutters in order to enhance the streetscape.
  - Internal roller shutters located behind display window.
  - In exceptional circumstances painted steel security shutters may be acceptable on certain business premises for security reasons.
- Each case will be examined on its merits.

### 15.15 Advertising and Signage

- The siting of signage and advertising structures on, under, over or along a public road is subject to a sign licence in accordance with Section 254 of the Planning and Development Act 2000 (as amended).
- Proposals for signage on or at national roads will be assessed against Chapter 3 of the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) and TII Policy on the Provision of Tourist & Leisure Signage on National Roads (March 2011).
- Planning permission is required where the sign is on a private road/ structure/ land.
- The Kildare County Council’s Shopfront Guidelines (2013) sets out the Council’s approach to effectively manage signage (refer to Section 15.14.3 also). All applications for signage shall be considered having regard to this policy document in terms of:
  - Demonstrable need;
  - Intended duration of signage;
  - Scale of signage;
  - Type of advertising, if applicable;
  - Proximity to other signage in terms of proliferation and visual clutter;
  - Pedestrian / cyclist movement;
  - Impact on visual amenity;
  - Impact on traffic safety;
  - Impact on built heritage and streetscape
- The Council will carefully and sensitively manage the proliferation of advertising structures, visual clutter and brand advertising in particular in historic town and villages centres and approaches to all towns and villages in County Kildare in order to ensure the public realm is enhanced and protected.
- Public Health Act curtailments regarding the advertisement of alcohol products in respect of proximity to schools shall be strictly adhered to.

Type of Sign	Restriction on use	Design Criteria
Fingerpost Sign	<p>Not permitted along national routes or interchanges.</p> <p>Directional signs for major tourist attractions and community purposes will be considered but product advertising will not be permitted.</p> <p>Generally, only one sign per establishment will be permitted.</p> <p>Only the primary route to the facility shall be signed.</p> <p>The sign should be located within 2km of the facility or at a relevant</p>	

Type of Sign	Restriction on use	Design Criteria
	junction.	
Backlit Signs	Generally appropriate.	Lettering should generally not exceed 400mm in height.
Billboard	May be permitted in limited circumstances for a specified time period, where it can be demonstrated that the development will enhance the area e.g. by screening an unsightly site or derelict structure.	
Use of gable/side of buildings for the exhibition of advertising structures.	Not Permitted.	
Digital Boards/Signs	Generally not appropriate. Not permitted in an ACA or on or close to a Protected Structure. Not permitted on major roads unless signage relates to the signage strategy or traffic management and safety.	Applications should set out the details for the material, finishes and colours of the signage structure, maximum luminance of the advertisement display between dusk and dawn.  Only static images without movement shall be permitted,  No more than one advertisement shall be displayed every ten seconds and fade transition shall be applied.
Bus Shelter	Generally appropriate	Purpose of illumination should be to light the shelter.
Fascias and Box Signs	Generally appropriate	Should not be internally illuminated.  Lettering should not exceed more than 400mm in height.
Projecting Sign	Generally not appropriate.	Should not be internally illuminated.
Public Information Panels	Generally appropriate.	Should not obstruct footpath/cycle paths. Advertising permitted on

Type of Sign	Restriction on use	Design Criteria
		public information panels will be restricted and should constitute not more than 50% of the total area.
Neon Signs	Generally not appropriate.	Should not be displayed in village centres, in ACAs or on or near a Protected Structure.
Signs above Parapet	Not Permitted.	
Moving Vane Signs	Not Permitted.	
Free Standing Advertising Displays	Not permitted on or over footpaths.	
Totem	Not generally permitted where nameplate signage on a façade of a building is sufficient in scale and design and clearly visible from a public road.  In general, due to the size of this type of signage it is not acceptable within an ACA or within the curtilage of a Protected Structure.	Limit of 1 no. Totem Sign per specific site. Must be high quality material/finish.  Position of sign should not interfere with vehicular and pedestrian sightlines.
Trailer / Mobile Trailer Signs / Parked Mobile Advertising	Not Permitted	
Window Signs	Generally appropriate	Should not occupy more than 25% of the window.  Signs in windows should not be internally illuminated.
Structures on Public Footpaths and Public Areas	Not Permitted	
Sundry Advertising Devices	Not Permitted	Includes pavement signs or sandwich boards, spotlights, flags, bunting, banners, neon moving message signs, fly posting and barrage/ balloons.

**Table 15.10 - Advertising Signage**

## **15.16 Outdoor Dining**

- The siting of outdoor dining and associated structures on a public footpath is subject to a licence in accordance with Section 254 of the Planning and Development Act 2000 (as amended). Planning permission is required where the outdoor dining structures are located on private land.
- Kildare County Council's Licensing of Outdoor Dining and Seating Guidelines and Checklist Document (2021) set out the Council's approach to effectively managing outdoor dining. All applications shall be considered having regard to these guidelines.

## **15.17 Built and Natural Heritage**

### **15.17.1 Protected Structures**

Bats will often roost in basements or attics of old buildings and could potentially be disturbed during works to protected structures. Bats are protected under the Wildlife Acts 1976 to 2012. It is an offence to intentionally disturb, injure or kill a bat or disturb its resting place and any work on a roost must be carried out with the advice of the National Parks and Wildlife Service. Bats are also protected under the EU Habitats Directive (92/43/EEC), Annex IV. It is important that expert advice is sought in determining the presence of bat species in older buildings to address the requirement of derogation licence that will be required if bats are found to be present.

#### **15.17.1.1 Works to a Protected Structure**

- Works that would materially affect the character of a Protected Structure require planning permission. Owners and occupiers proposing to carry out any works to a Protected Structure can seek a Section 57 Declaration from the Planning Authority under the provisions of Section 57 of the Planning and Development Act, 2000 (as amended). A Section 57 declaration sets out the type of works which would or would not materially affect the character of the structure or any element of the structure which contributes to its special interest and that do not require planning permission.
- All development proposals potentially impacting on Protected Structures shall have regard to Section 11.15 of this Plan and the guidelines of the Department of Arts, Heritage and the Gaeltacht (DAHG) Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- International guidance on the protection of places of cultural heritage significance is provided by ICOMOS (International Council on Monuments and Sites). ICOMOS Charters set a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers, and custodians. The ICOMOS Burra Charter 2013, also provides guidance on new works and changes to places of cultural significance, all guidance herein has regard to this charter.
- An Architectural Heritage Impact Assessment Report, as described in Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (DAHG, 2011) and Section 11.15 of this Plan shall accompany planning applications for works to protected structures. This report shall:

- Outline the significance of the building.
- Include a detailed survey of the building, identifying all surviving original/early features including a photographic survey.
- Detail the proposed works it is intended to carry out, including the detail of proposed works clearly identified on accompanying survey drawings by way of colour coding and/or annotated notes to distinguish clearly between the existing structure and the proposed work.
- Contain a full assessment on the materials and method proposed to carry out these works, their impact on the character of the structure and the reversibility of the proposed works.
- The details required to be submitted will be dependent on the significance of the building and the nature of works proposed. All works to protected structures shall be carried out in accordance with best conservation practice.
- The AHIA report should be prepared by an accredited conservation architect or equivalent (a list of suitably qualified professionals is available on the Irish Georgian Society and RIAI websites).

#### **15.17.1.2 Development Within the Curtilage, Attendant Grounds and Setting of Protected Structures**

- All planning applications for development in proximity to a Protected Structure must be accompanied by a design statement, with supporting illustrative material, demonstrating how it has been developed having regard to the built heritage, topography, and landscape character of the site.
- An accredited conservation architect or equivalent should be engaged at the outset of the design process to assist in determining the appropriate siting and design of the development in order to minimise the impact on the Protected Structure. It may be of benefit to discuss specific requirements, at pre-planning stage.
- In considering applications for development within the curtilage and/or attendant grounds of a protected structure, the Council shall have regard to the following:
  - The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.
  - The proximity of any new development to the main protected structure and any other buildings of heritage value.
  - The design of the new development that should relate to and complement the special character of the protected structure.
- High quality design will be a foremost consideration, with particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials. This does not preclude innovative contemporary buildings. High quality contemporary interventions will be encouraged over historic pastiche.
- Development proposals should include appraisal of the wider context of the site and structure including its demesne landscape, where applicable.



### **15.17.2 Development in Architectural Conservation Areas**

- Planning applications for developments in Architectural Conservation Areas (ACAs) should have regard to the provisions of Section 11.18 of this Plan.
- The Council will require planning applications for developments in or immediately contiguous to an ACA to be accompanied by an Architectural Heritage Impact Assessment Report as described in Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (DAHG, 2011) in order to assess the impact of the development on the ACA.
- The Council will normally only permit development proposals for new buildings, alterations, extensions and changes of use where the proposal is sympathetic to the special character of the ACA and where the design is appropriate in terms of scale, height, density, layout, materials and finishes having regard to the advice contained within each ACA document.
- In an ACA the Council will have regard to the following:
  - The effect of the proposed development on buildings and the surrounding environment, both natural and man-made.
  - The impact of development on the immediate streetscape in terms of design, scale, height, plot, width, roof treatment, materials, landscaping, mix and intensity of use proposed.
  - New alterations and extensions should complement existing buildings / structures in terms of design, external finishes, colour, texture, windows / doors / roof / chimney / design and other details.
  - In dealing with advertisements in Architectural Conservation Areas, the overriding consideration will be the enhancement and protection of the essential visual qualities of the area.

### **15.17.3 Development in Zones of Archaeological Potential**

- Developments within zones of archaeological potential should have regard to the provisions as set out in Chapter 11 of this Plan and the requirements of the Framework and Principles for the Protection of Archaeological Heritage, DAHG (1999).
- All development proposals that may (due to their location, size, or nature) have implications for archaeological heritage should be accompanied by an Archaeological Impact Assessment and Method Statement prepared by a suitably qualified archaeologist.
- All development proposals for industrial buildings and sites of industrial archaeological importance should be accompanied by an Industrial Archaeology Assessment of the surrounding environment.
- A Conservation Plan may be required for development in the vicinity of a site or monument, to ensure the ongoing protection of the monument and its setting.
- A Visual Impact Assessment may be required for development proposals in the vicinity of upstanding remains.
- When considering development proposals within Zones of Archaeological Potential and on, or in close proximity to, sites of known archaeological significance, the Council will have regard to the provisions of Section 12 of the National Monuments (Amendment) Act, 1994 (as amended).

- The Council will also have regard to the observations and recommendations of the National Monuments Service, Department of Housing, Local Government and Heritage and other interested bodies.

#### **15.17.4 Natural Heritage, Green Infrastructure and Biodiversity**

- The overall policies and objectives relating to natural heritage are set out in Chapter 12 of this Plan and all planning applications will be assessed having regard to same.
- Any proposals impacting on a known site, or likely, to be a breeding or resting site of species listed in Habitats Regulations will require a derogation license, as per Article 16 of the Habitats Directive issued by the National Parks and Wildlife Service (NPWS), which is part of the Heritage Division of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- Developers/Applicants should be advised of this possibility at pre-planning stage and are advised to consult with the National Parks and Wildlife Service (NPWS), Licensing and Development Applications Unit, prior to making a planning application. It is preferable for a derogation license to have been applied for and/or obtained prior to submission of any planning application.
- In order to comply with European and National legislation on nature conservation, and to ensure that areas of biodiversity value are adequately protected, an Ecological Impact Assessment will be required, as well as the provision of mitigation measures to address the proposals that have the potential to impact on environmentally sensitive sites.
- An Appropriate Assessment should accompany development proposals relating to any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.
- Such an Appropriate Assessment should be carried out by a person with ecological expertise and should be in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and the 'Guidance for Local Authorities Appropriate Assessment of Plans and Projects in Ireland' (DEHLG) (2009).
- All development proposals will be required to address the presence or absence of invasive alien species and where such species exist to submit an Invasive Species Management Plan, in order to comply with the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011-2015.

#### 15.17.4.1 Riparian Corridors

- The riparian corridors of the county include rivers, streams and other watercourses and are important green infrastructure and biodiversity links.
- Development within or affecting riparian corridors will have regard to the provisions of Section 12.10.1 of this Plan, the '*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*' (IFI, 2004) and the '*Planning for Watercourses in the Urban Environment*' (IFI, 2020).
- All development proposals that are within or may affect riparian corridors should be accompanied by an Ecological Impact Assessment, including bat and otter surveys.
- Expert advice should be sought from a suitably qualified bat expert, in developing lighting proposals along river and stream corridors.
- The Council will also have regard to the observations and recommendations of Inland Fisheries Ireland (IFI) in relation to any development (greenfield development or redevelopment of brownfield sites) that could potentially impact on the aquatic ecosystems and associated riparian habitats.
- A multi-disciplinary team including an ecologist and flood risk expert shall review all riverine sites to determine the appropriate zonation and permissible uses.