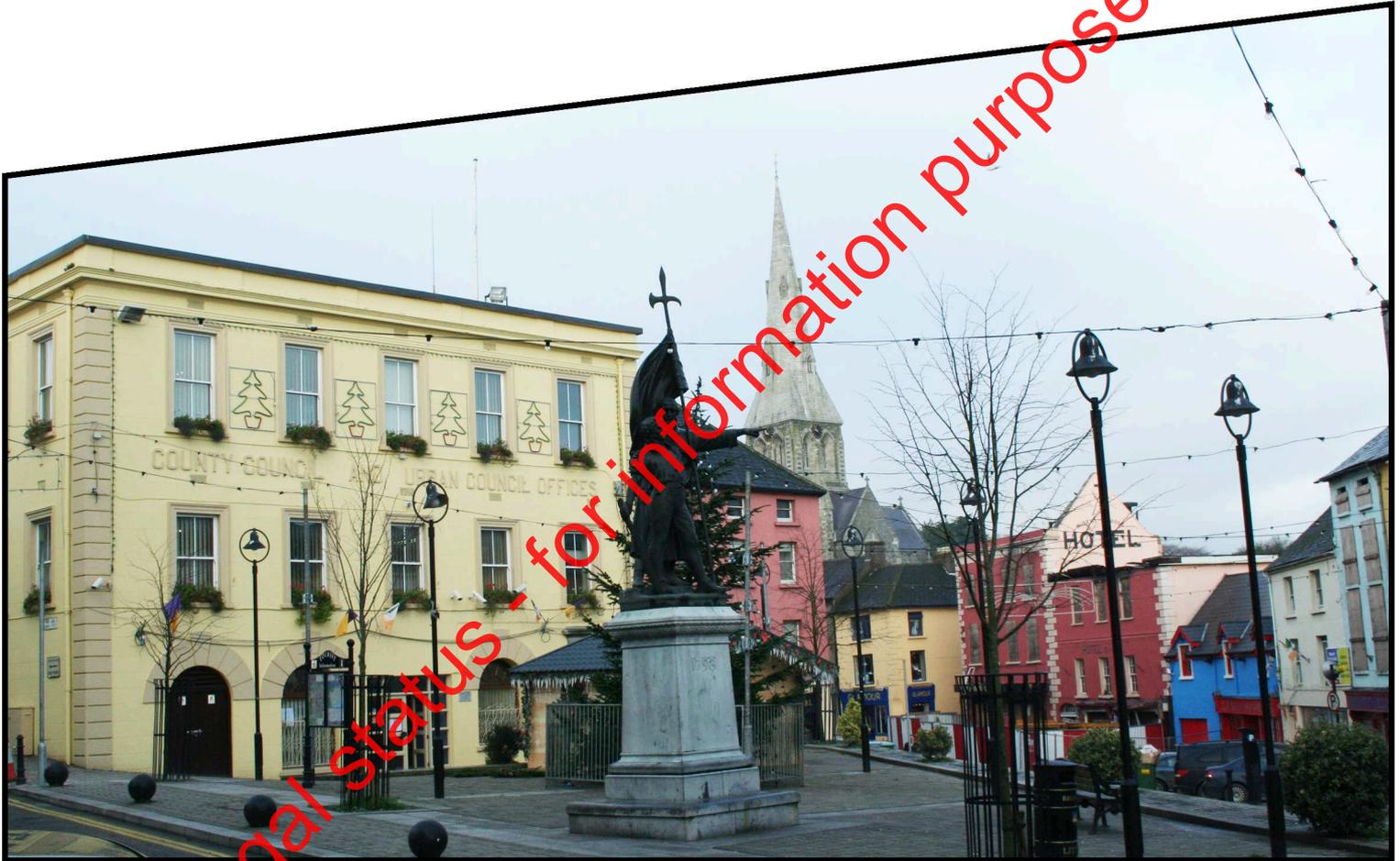


Draft

2014 - 2020

ENNISCORTHY



Statements with regard to Section 10 (1D) and Section 28 (1B) of the Planning and Development Act, 2000 (as amended)

Draft

Enniscorthy Town and Environs

Development Plan 2014-2020

Appendix 8: Section 10 (1D) and Section 28 (1B) Statements

September 2013



Section 10(1D): Statement Demonstrating that the Objectives of the Draft Enniscorthy Town and Environs Development Plan 2014-2020 are Consistent with the Conservation of the Environment

Introduction

Section 10(1D) of the Planning and Development Act 2000 (as amended) requires that a development plan includes a separate written statement demonstrating that the objectives of the development plan are consistent, as far as practicable, with the conservation of the environment.

The Enniscorthy Town and Environs Development Plan outlines a vision to create a compact town where people want to live, work and play. The town will offer:

- Employment opportunities to reduce the unsustainable levels of unemployment.
- Sustainable, attractive and quality residential developments.
- Sustainable physical and social infrastructure suitable to the needs of the town and of a quality which will enable it to compete with other large towns in the Region.
- A high quality urban environment in which the natural, built and cultural heritage are protected.

Section 3.2 of the Plan outlines the strategic aims for achieving this vision and which underpin the objectives of the Plan. These include to:

- Provide key infrastructure to facilitate development and investment, subject to compliance with national and international legislation on habitats and water quality.
- Promote sustainable economic development.
- Promote sustainable tourism development which builds on the unique characteristics and distinctive elements of the town's history, culture and environment.
- Manage flood risk by actively pursuing flood risk management strategies and sustainable urban drainage systems.
- Protect the environment for a green future.

The concept of sustainable development is an underlying theme of the Plan and this is reflected in all the objectives of the Plan. Key considerations which underpin sustainable development are the conservation of natural resources, protection of the natural environment, environmentally friendly patterns of development, energy efficiency and high quality design. The Core Strategy in Chapter 3 and the land use zoning in Chapter 15 ensure that the primary locations for development are closely integrated with each other and with transport infrastructure and accessibility. The Plan also includes objectives to adapt to climate change, encourage renewable energy and efficiency; measures which will offset the town's current dependence on fossil fuels and the associated impacts.

The Plan includes detailed objectives with regard to climate change and flood risk management (Chapter 13), environmental management (Chapter 12), natural heritage, biodiversity and green infrastructure (Chapter 11). The objectives of the Plan have also been framed to promote compliance with the Water Framework Directive (and associated River Basin Management Plans), Groundwater Directive, Habitats Directive, Shellfish Waters Directive, Marine Strategy Framework Directive and Nitrates Directive. The other objectives of the Plan have been reviewed to ensure that they do not conflict with the requirements of the objectives in the Plan which aim to conserve the environment and the requirements of the Directives.

The objectives of the Plan have been rigorously scrutinised against environmental parameters through the Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) processes. These processes were iterative and their findings have been fully integrated into the objectives in the Plan resulting in objectives which afford a high level of protection to the environment and Natura 2000 sites respectively.

Section 28 (1B): Statement of Implementation of Section 28 Ministerial Guidelines in the Draft Enniscorthy Town and Environs Development Plan 2014-2020.

Introduction

Section 28 of the Planning and Development Act 2000 (as amended) requires a planning authority to append a statement to a draft development plan which includes information which demonstrates how the planning authority has implemented the policies and objectives of the Minister contained in Section 28 Guidelines when preparing the Plan. Where the planning authority has decided not to implement certain policies or objectives of the Minister contained in the guidelines, the statement must give the reasons why.

The following statement has been prepared which details how the Council have implemented Section 28 Minister Guidelines in the Plan.

Architectural Heritage Protection-Guidelines for Planning Authorities (2004)

Chapter 11 of the Plan relates to Heritage and includes architectural and archaeological heritage. Enniscorthy has a distinctive and valuable architectural heritage which the Council wish to protect and enhance. There are two main mechanisms - Protected Structures and Architectural Conservation Areas (ACA) – for giving protection to and enhancing this architectural heritage. Appendix 3 of the Plan sets out the Record of Protected Structures. The Plan also proposes three Architectural Conservation Areas (refer to Sections 11.2.5 and 11.2.6 and Appendix 4).

The architectural heritage objectives have been informed by the content and advice of the guidelines, with Objectives AH07 and AH08 directly referring to them.

Architectural Heritage Protection for Places of Public Worship-Guidelines for Planning Authorities (2003)

This purpose of these guidelines is to ensure that an appropriate balance is struck between the protection of architectural heritage and the need for continued use of the protected structure as a place of worship. The guidelines emphasise the importance of respecting liturgical requirements including recognising that churches may wish to adapt places of worship in the light of contemporary revisions of their worship and mission. The Council recognise the importance of places of worship, in that they constitute a substantial part of the town's architectural and cultural heritage. Proposals to alter such buildings will be given careful consideration by the Planning Authority and the Planning Authority will have due regard to these guidelines.

These guidelines have informed the objectives relating to the protection of the town's places of public worship and the Record of Protected Structures contained in Appendix 3 of the Plan.

Childcare Facilities Guidelines (2001)

Section 9.6 of the Plan has regard to these guidelines and includes objectives to implement them, such as objectives to encourage and facilitate the provision of childcare facilities and to require the provision of purpose built childcare facilities in new residential development areas. The Plan indicates a standard of one childcare facility, accommodating 20 children, for approximately 75 dwellings. However, there is flexibility in this objective, which allows the standard to be modified where there are significant reasons for doing so, for example, an assessment which demonstrates that it is not required having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. This approach is consistent with the guidelines.

Section 16.3.3 of the Plan also includes development management standards for childcare facilities in accordance with Section 3 (Development Control and related standards for Childcare Facilities) and Appendix 3 (Information which should be supplied by an applicant for planning permission for a childcare facility) of the guidelines.

Development Management-Planning Guidelines for Planning Authorities (2007)

The role of development management is to deliver the objectives in the Plan. The aim of the guidelines is to promote best practice at every stage in the development management process. The guidelines also assist planning authorities in providing a high quality of service to users of the planning process.

Chapter 16 of the Plan deals with Development Management Standards which will be used to assess and determine planning applications. Section 16.1 notes that these standards are not exhaustive and should be read in conjunction with the other chapters of the Plan and where relevant Section 28 Guidelines of the Minister. The Plan also refers to the Council's pre-planning service which can be availed of by applicants and their agents and which will inform them of the relevant objectives and development management standards in the Plan that relate to their development proposals.

Development Plans – Planning Guidelines for Planning Authorities (2007)

The Plan followed the advice of the guidelines in terms of formulating a development plan that provides a clear framework for the public and realistic objectives that can be achieved. The Plan meets the requirements of planning legislation and is internally consistent. It followed the guidance in terms of the structure and content and comprehensively addresses the relevant planning issues. The Plan is easy to read, follows a natural and logical progression from strategic issues to more detailed matters and is laid out clearly with the use of illustrations and maps to enhance understanding and interpretation.

Landscape and Landscape Assessment-Guidelines for Planning Authorities (2000) Draft

Section 11.8.1 of the Plan includes a Landscape Character Assessment (LCA) which was prepared having regard to these guidelines. The LCA highlights the importance of integrating new development into the landscape while protecting the historical character of the town. A number of objectives are included with regard to landscape including objectives to raise the awareness of the values of landscapes and to require a landscape-centred approach to new development. The Plan also includes

an objective to implement any published National Landscape Strategy and guidelines concerning the protection, management and planning of the landscape.

Provision of Schools and the Planning System - A Code of Practice for Planning Authorities (2008)

Section 9.5 of the Plan includes the following objectives in accordance with the guidelines: to consult with the Department of Education and Skills in the identification and facilitation of suitable sites for new educational facilities and to ensure that no significant residential development proceeds without an assessment of existing schools capacity or the provision of new school facilities in tandem with the development.

In accordance with Section 3 of the guidelines (Location of Schools – Planning Considerations), the Plan states that new school facilities should be located where possible close to or within the main residential areas and adjacent to community developments such as community centres, playing fields and libraries so that the possibility of sharing facilities can be maximised. It also states that multi-campus school arrangements e.g. 2/3 primary schools side by side or a primary and a post-primary school sharing a site will be considered at appropriate locations.

Quarries and Ancillary Activities-Guidelines for Planning Authorities (2004) and Section 261A of the Planning and Development Act 2000 Guidelines and Supplementary Guidelines (2012)

There are no working quarries within the plan boundary and it is not the intention of the Councils to permit this land use due to the urban nature of the plan area. As such, there is no reference to these guidelines in the Plan.

Retail Planning Guidelines for Planning Authorities and Retail Design Manual – A Good Practice Guide (2012)

The Enniscorthy Town and Environs Retail Strategy contained in Appendix 1 of this Plan includes an objective that all retail developments permitted shall be in accordance with the Guidelines for Planning Authorities Retail Planning (DECLG, 2012) and the objectives of the Strategy. The Strategy confirms Enniscorthy's

position within the wider Wexford County Retail Hierarchy and the level and form of retailing activity appropriate in the town. Enniscorthy's primary retail area has been defined and opportunity sites have been identified which have the potential for retail development. A capacity assessment has also been included identifying the broad requirement for retail floorspace for the town. Guidance and objectives have also been provided in relation to the locations for, and assessment of, the various types of retail development Objectives R01 and R02 in the Retail Strategy directly refer to the Retail Planning Guidelines and Retail Design Manual respectively.

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

Chapter 7 of the Plan deals with transport and includes a comprehensive section on national roads. This section has been prepared having regard to these guidelines. The Plan does vary from the guidelines in the exceptional circumstance identified where a new access point onto the national road in the plan area may be considered. The Council formed the opinion that it is not possible to limit the limit the circumstances to those identified in Section 2.6 of the guidelines due to the nature and characteristics of the national road network in the plan area.

In considering whether such exceptional circumstances were justified the Council had regard to the criteria in Section 2.6 of the Guidelines and used an evidence based approach to identifying the location. In particular the Council has had regard to the facts that:

- The Enniscorthy bypass project is included in the Government's stimulus package and is due to commence construction in 2015;
- The existing national roadway will be reclassified removing its national roadway status on completion of the bypass;
- Enniscorthy is designated as a Larger Town by the NSS and the SERPGs and therefore plays an important economic role in the regional context;
- The land use zonings are in keeping with the established pattern of development in the area and are for employment generating industrial and commercial development;

- Inadequate commercial zoned land is available in existing areas and the residential nature of other areas of the town means that this is the most desirable and appropriate location; and
- The proposed junction at this location would not have an unacceptable impact on national flows and any impact will be temporary (that is, will cease when the bypass is completed).

The identified circumstance is exceptional and will only be considered subject to compliance with the criteria set out in Objective T33 which includes that the safety, capacity and efficient operation of national roads will not be compromised.

Sustainable Urban Design-Design Standards for New Apartments Guidelines for the Planning Authorities (2008)

Chapter 16 Development Management Standards give direct effect to these guidelines requiring that proposals for apartment developments should have regard to them. The Plan does vary from the guidelines in that the minimum floor area for all new apartments is 75sq.m. It is hoped that this will make apartments more attractive places to live and to ensure that the units can adequately cater for a variety of households throughout all stages of their lifecycle.

Sustainable Residential Development in Urban Areas-Guidelines for Planning Authorities (2008) and Best Practice Urban Design Manual (Companion document to the Guidelines)

These guidelines form the basis of the Plan's objectives for residential development within the plan area as detailed in Chapter 4 Sustainable Housing and Chapter 16 Development Management Standards.

The Council recognise the importance of producing high quality sustainable developments, which provide quality homes and neighbourhoods, places where people want to live and work and a place that works for everyone. In order to achieve this, new residential developments will be required to have regard to the guidelines, in particular, with regard to density, scale and form of the residential development.

The design manual also influenced the formulation of the Urban Design Guide in Chapter 14.

Sustainable Rural Housing-Guidelines for Planning Authorities (2005)

The guidelines promote a rural housing policy framework that allows people who are part of a rural community to build a house in a rural area and anyone wishing to build a house in rural area suffering persistent and substantial population decline will be accommodated. The guidelines also emphasize that the development of the rural environs of major urban areas, including gateways and hubs identified in the NSS and county and other large towns over 5000 in population needs to be carefully managed in order to ensure their orderly development and successful functioning into the future.

It is suggested in the guidelines that difficulties in securing affordable and high quality housing in cities, towns and villages, are frequently cited as the reason why many people seek to build houses in the open countryside. Accordingly, planning authorities need to ensure that these locations offer attractive and affordable housing options to meet the housing needs of urban communities and persons wishing to live in urban areas.

The Plan provides a sufficient quantum of residential zoned land that can offer a range of living environments in terms of location and density within the plan area. The Plan promotes the importance of producing high quality sustainable developments, which provide quality homes and neighbourhoods and creates places where people want to live. It is considered that this approach will provide an attractive alternative to rural housing and contribute to the management of housing development pressure on the outskirts of the plan area.

The Planning System and Flood Risk Management –Guidelines for Planning Authorities (2009)

Enniscorthy town has a long history of flooding from the River Slaney and accordingly flood risk was a key consideration in preparing the development plan. A Strategic Flood Risk Assessment was prepared in accordance with the detailed advice provided by these guidelines. The identified flood zones informed the sequential approach which was used to inform land use zoning objectives for lands in the plan area. The application of the sequential approach resulted in either the rezoning of land or the removal of land from the plan boundary. In doing so, it was only necessary to apply the Development Plan Justification Test to one area; the Town Centre. In this area development in Flood Zones A and B will be necessary to facilitate the compact and sustainable expansion of the town centre and to facilitate growth targeted for the town under the NSS and the SERPG.

Proposals for new developments in areas vulnerable to flooding will be required to submit a Site Specific Flood Risk Assessment carried out in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, OPW November 2009). The assessment must detail how the Development Management Justification Test has been satisfied.

Telecommunications Antennae and Support Structures (1996)

Section 8.5 of the Plan outlines the Council's policy on telecommunications and broadband. This section incorporates the relevant guidance and includes an objective to have regard to the above guidelines and Circular Letter PL07/12 (October 2012) which updated particular sections of the guidelines. There is an associated development management standard in Section 16.10 of the Plan.

Wind Energy - Guidelines for Planning Authorities (2006)

Section 8.6.2 of the Plan states that the Council will encourage the development of renewable energy sources and in doing so will have regard to the above guidelines. The Plan includes two objectives: EN11 to investigate the potential for small-scale wind energy developments within the urban and industrial areas of the plan and EN12 to consider appropriate wind energy developments on a case by case basis

and to ensure that such developments do not negatively impact on residential amenity, biodiversity or landscape sensitivities.

Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Projects on the Environment-Guidelines for Regional Authorities and Planning Authorities (2004)

These guidelines informed the preparation of the Strategic Environmental Assessment (SEA) of the Plan. All recommendations and mitigations measures from the SEA process have been incorporated into the Plan.

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

Section 16.1.4 of the Plan states that the Council will carry out an Environmental Impact Assessment (EIA) for proposed development listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended), or other developments which it considers likely to have significant environmental effects. This section also states that the Council will have regard to the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (DECLG, 2012) and any updated version of these guidelines when assessing relevant cases.

Development Contributions- Guidelines for Planning Authorities (2013)

The purpose of these guidelines is to provide updated guidance on the drawing up of development contributions to reflect the radical economic changes that have impacted across all sectors since guidance last issued in 2007. While it is recognised that the adoption of Development Contribution Schemes is a reserved function of the Elected Members of each planning authority, one of the outputs of the new guidance should be a greater level of consistency in Development Contribution Schemes on a national basis providing enhanced clarity to inform investment decisions across different local authority areas. The guidelines require planning authorities to ensure that their development contribution schemes appropriately promote the development of areas prioritised in their core strategies. The guidelines advise that it is essential that planning authorities ensure that there is clear and explicit alignment between areas identified for incentivised/prioritised treatment in their development contribution scheme and the plan led objectives set out in the core strategy and development

plan. The Council will have regard to the guidelines in the preparation of the Development Contribution Scheme.

Guidance for Planning Authorities on Drainage and Reclamation of Wetlands (DECLG, 2011)

This guidance document provides information to planning authorities and others in relation to existing and new legislative provisions regarding the consent processes, and in some cases, the requirement for environmental impact assessment (EIA) for specified types of agriculture-related development. In particular, guidance is provided in relation to deciding whether drainage and reclamation of wetlands, despite being below the (new) threshold for permission or for mandatory EIA, could have significant effects on the environment and therefore would require a planning application and/or EIA, as the case may be. The Planning Authority will have regard to this guidance, and any updated version of it, during the carrying out of its development management functions.

No legal status - for information purposes only