

Wicklow County Development Plan
Appendix 10

2021-2027

Statement Outlining Compliance With Ministerial Guidelines



Comhairle Contae Chill Mhantáin

APPENDIX 10

STATEMENT OUTLINING COMPLIANCE WITH MINISTERIAL GUIDELINES

Under Section 28 of the Planning and Development Act 2000 (as amended), the Minister may, at any time, issue guideline to planning authorities regarding any of their functions under the Planning Act and planning authorities shall have regard to those guidelines in the performance of their functions.

A planning authority in having regard to the guidelines issued by the Minister under that subsection, shall -

(a) consider the policies and objectives of the Minister contained in the guidelines when preparing and making the draft development plan and the development plan, and

(b) append a statement to the Development Plan including information which demonstrates:

1. How the Council has implemented the policies and objectives of the Minister contained in the guidelines when considering their application to the area or part of the area of the Development Plan.
2. Alternatively, if applicable, if the Council has formed the opinion that is not possible, because of the nature and characteristics of the area or part of the area of the Development Plan, to implement certain policies and objectives of the Minister contained in the guidelines, the statement shall give the reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented.

In addition, Section 28 (1C) of the Act includes a provision that Guidelines made under Section 28(1) may contain specific planning policy requirements (SPPRs) with which planning authorities, regional assemblies and the Board shall, in the performance of their functions, comply.

The required statement pertaining to the (draft) Wicklow County Development Plan 2021-2027 is set out below¹. The Wicklow County Development Plan 2021 - 2027 is referred to hereunder as 'the Plan'.

¹ Note: Guidelines that do not specifically apply to the Development Plan are excluded from the following table.

TABLE 1 Statement outlining how the planning authority has implemented the policies and objectives contained in the guidelines

Section 28 Guidelines	Statement
Development Plans – Guidelines for Planning Authorities (2007)	The plan follows the recommendations of the guidelines with regard to the preparation and content of the plan other than as set out in Table 2 to follow.
Implementing Regional Planning Guidelines – Best Practice Guidelines (2010)	The policies and objectives contained in the guidelines are implemented throughout the plan as relevant and in particular the methodology for doing so is particularly set out in Chapter 1: Introduction and Strategic Context, Chapter 2: Overall Strategy, Chapter 3: Core Strategy.
Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment (2004)	Strategic Environmental Assessment, in accordance with the guidelines, was carried out as part of an iterative process and the output reports are included as part of the plan documentation. Mitigation measures from the SEA process have been incorporated into the plan.
Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)	Appropriate Assessment has been carried out in accordance with the statutory requirements and having regard to the guidelines. Mitigation measures from the AA process have been incorporated into the plan as appropriate.
Sustainable Rural Housing Guidelines (2005)	The policies and objectives contained in the guidelines are implemented in the following parts of the plan: Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing, and the Rural House Design Guide.
*Quality Housing for Sustainable Communities – Design Guidelines (2007)	These guidelines are referred to in the Development and Design Standards.
*Sustainable Residential Development in Urban Areas (2009)	These guidelines are referred to in the Development and Design Standards (Appendix 1)
*Urban Design Manual – Best Practice Guidelines (2009)	These guidelines are referred to in the Development and Design Standards.
*Design Standards for New Apartments - Guidelines for Planning Authorities (2018)	These guidelines are referred to in the Development and Design Standards.
*Design Manual for Urban Roads and Streets (2019)	The policies and objectives contained in the guidelines are implemented in Chapter 12: Sustainable Transportation, Section 2 of Development and Design Standards.
* Urban Development and Building Heights Guidelines for Planning Authorities 2020	These guidelines are referred to in the Development and Design Standards.
Redevelopment of Certain Lands in the Dublin Area Primarily for Affordable Housing (2006)	Not applicable
*Retail Planning Guidelines and Retail Design Manual(2012)	The policies and objectives contained in the guidelines are implemented in Chapter 5: Town and Village Centre, Chapter 10 Retail, other than as set out in Table 2 to follow.
*Guidance on Spatial Planning & National Roads (2012)	The provisions of these guidelines have been implemented throughout the plan; particularly referenced in Chapter 12: Sustainable Transportation, Section 2 of Development and Design Standards other than as set out in Table 2 to follow.
*Telecommunications and Support Structures – Guidelines (1996)	The policies and objectives contained in the guidelines are implemented in Chapter 16: Energy and Information Infrastructure, Section 2 Development and Design Standards.
*Wind Energy Guidelines (2006)	The County Wicklow Wind Strategy (Appendix 5) and the objectives set out in Chapter 16: Energy and Information Infrastructure have been prepared having regard to the guidelines.
*Quarries and Ancillary Activities (2004)	The provisions of these guidelines have been implemented in Chapter 9: Economic Development and Section 4 of Development and Design Standards
*The Planning System and Flood Risk Management	The provisions of these guidelines have been implemented throughout the

Guidelines (2009)	plan in particular a SFRA has been carried out in accordance with the guidelines (Appendix 8) and referenced in Chapter 2 Overall Strategy, Chapter 13 Water Services, Chapter 14 Flood Management, other than as set out in Table 2 to follow.
*Childcare Facilities Guidelines (2001)	The policies and objectives contained in the guidelines are implemented in Chapter 7: Community Development, Sections 3 and 7 Development and Design Standards.
*Provision of Schools and the Planning System: Code of Practice (2012)	The policies and objectives contained in the guidelines are implemented in Chapter 7: Community Development, Sections 3 and 7 Development and Design Standards.
*Architectural Heritage Protection for Places of Public Worship (2003)	The policies and objectives contained in the guidelines are implemented in Chapter 8: Built Heritage, Section 9 Development and Design Standards.
*Architectural Heritage Protection - Guidelines for Planning Authorities (2011)	The policies and objectives contained in the guidelines are implemented in Chapter 8: Built Heritage, Section 9 Development and Design Standards.
Landscape and Landscape Assessment (2000)	The policies and objectives contained in the guidelines are implemented in Chapter 17: Natural Heritage and Biodiversity, Chapter 18: Green Infrastructure, Development and Design Standards.
*Tree Preservation Guidelines	The policies and objectives contained in the guidelines are implemented in Chapter 17: Natural Heritage and Biodiversity, Chapter 18: Green Infrastructure, Development and Design Standards.
*Draft Guidance for Planning Authorities on Drainage and Reclamation of Wetlands	These guidelines are referred to in the Development and Design Standards.

*The Development & Design Standards lists these guidelines as documents that will be referenced and used by Wicklow County Planning Authority as a tool in the assessment of planning applications.

TABLE 2: Urban Development & Buildings Heights Guidelines for Planning Authorities 2018

<p>SPPR 1</p> <p>In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	<p>This County Development Plan, but more particularly future Local Area Plans that will flow from it, will identify areas where increased building height will be actively pursued for redevelopment, regeneration and infill development.</p> <p>Neither this plan, nor future Local Area Plans that will flow from it, will include blanket numerical limitations on building height.</p>
<p>SPPR 2</p> <p>In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans² could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.</p>	<p>This County Development Plan, as well as future Local Area Plans that will flow from it, includes specific objectives to promote and ensure an appropriate mix of uses, and mechanisms to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.</p>
<p>SPPR 3</p> <p>It is a specific planning policy requirement that where;</p> <p>(A)</p> <ol style="list-style-type: none"> 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account 	<p>This County Development Plan makes explicit provision that where an applicant for planning permission sets out how a development proposal complies with SPPR 1 and SPPR 2 Urban Development and Buildings Heights Guidelines for Planning Authorities 2018 and the</p>

<p>of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p> <p>(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme</p> <p>(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.</p>	<p>assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p>
<p>SPPR 4</p> <p>It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:</p> <ol style="list-style-type: none"> 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more. 	<p>This County Development Plan, including the Core Strategy, various policies and objectives, Development & Design Standards and the Small Town Plans that form part of this plan, makes explicit provision that in planning the future development of greenfield or edge of city/town locations for housing purposes:</p> <ol style="list-style-type: none"> 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines are applied; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations is provided for; and 3. mono-type building typologies (e.g. two storey or own-door houses only), are avoided particularly, but not exclusively so in any one development of 100 units or more.

TABLE 3: Sustainable Urban Housing: Design Standards for new Apartments, Guidelines for Planning Authorities 2020

<p>SPPR 1</p> <p>Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 2</p> <p>For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development &</p>

<ul style="list-style-type: none"> • Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units; • Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th; • For schemes of 50 or more units, SPPR 1 shall apply to the entire development. 	<p>Design Standards are consistent with this SPPR.</p>
<p>SPPR 3 Minimum Apartment Floor Areas:</p> <ul style="list-style-type: none"> • Studio apartment (1 person) 37 sq.m • 1-bedroom apartment (2 persons) 45 sq.m • 2-bedroom apartment (4 persons) 73 sq.m • 3-bedroom apartment (5 persons) 90 sq.m 	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 4 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</p> <ul style="list-style-type: none"> (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate. (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects. 	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 5 Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 6 A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 7 BTR development must be:</p> <ul style="list-style-type: none"> (a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of 	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>

<p>permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;</p> <p>(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:</p> <p>(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.</p> <p>(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.</p>	
<p>SPPR 8</p> <p>For proposals that qualify as specific BTR development in accordance with SPPR 7:</p> <p>(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;</p> <p>(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;</p> <p>(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;</p> <p>(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;</p> <p>(v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>
<p>SPPR 9</p> <p>There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either:-</p> <p>(i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process;</p> <p>or,</p> <p>(ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or</p>	<p>The provisions of this County Development Plan, including the Housing Objectives and Development & Design Standards are consistent with this SPPR.</p>

appeal may be determined on its merits.	
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TABLE 4: Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change

<p>SPPR1</p> <p>It is a specific planning policy requirement under Section 28(1C) of the Act that, in making, reviewing, varying or amending a development plan, or a local area plan, with policies or objectives that relate to wind energy developments, the relevant planning authority shall carry out the following:</p> <p>(1) Ensure that overall national policy on renewable energy as contained in documents such as the Government’s ‘White Paper on Energy Policy - Ireland’s Transition to a Low Carbon Future’, as well as the ‘National Renewable Energy Action Plan’, the ‘Strategy for Renewable Energy’ and the ‘National Mitigation Plan’, is acknowledged and documented in the relevant development plan or local area plan;</p> <p>(2) Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts); and</p> <p>(3) Demonstrate detailed compliance with item number (2) above in any proposal by them to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan. Such a proposal shall be subject to environmental assessment requirements, for example under the SEA and Habitats Directives. It shall also be a material consideration in SEA, when taking into account likely significant effects on climatic factors, in addition to other factors such as landscape and air, if a mandatory setback or variation to a mandatory setback proposed by a planning authority in a development plan or local area plan would create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.</p>	<p>The provisions of this County Development Plan, including the Wind Energy Strategy, are consistent with this SPPR.</p>
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TABLE 5: Statement outlining non-compliance with certain policies and objectives contained in the Guidelines

Objective	Non compliance with Ministerial Guidelines	Planning Authority's reason why policies and objectives of the Minister have not been implemented.
<p>Chapter 9 Economic Development</p> <p>CPO 9.13 Employment Zones</p>	<p>Non compliance with the following guidelines:</p> <ol style="list-style-type: none"> 1. Development Plan Guidelines 2007 – CPO 9.13 is at variance with Development Plan Guidelines (2007) which seeks a spatially sequential and evidence based approach to zoning. 2. The Planning System and Flood Risk Management Guidelines (2009) – the zoning of lands at Kilpedder Interchange are identified in the SFRA as at risk of flooding (Flood zone A) and as such may be inappropriate for development with reference to the 'The Planning System and Flood Risk Management Guidelines for planning authorities' (2009). 3. Guidance on Spatial Planning & National Roads (2012) – the zoning of lands at Mountkennedy Demesne and Kilpedder Interchange do not comply with the evidence based approach for zoning adjacent to national roads, as set out in the guidelines, which seeks to avoid any adverse impact on the national road infrastructure. 	<p>To maintain employment zones that are suitable and capable of providing significant employment in the County, many of which already have planning permission.</p> <p>Any risk of flooding on these sites may be addressed via site specific flood risk assessment and appropriate measures to avoid / mitigate risks.</p>
<p>Chapter 10 Retail</p> <p>CPO 10.14 Fast food</p>	<p>Non compliance with Retail Planning Guidelines (2012).</p> <p>The objective excludes new fast food/takeaway outlets from being built or from operating within 400m of the gates or site boundary of schools or playgrounds, excluding premises zoned town centre.</p> <p>The practical application of CPO 10.14 is at odds with the guidelines which promote a mix of retail uses within centres. Severely restricting the location of new outlets is contrary to the guidelines which aim to ensure the planning system continues to play its role in supporting competitiveness and choice in the retail sector.</p>	<p>The 400m exclusion zone was introduced as a measure to tackle childhood obesity.</p> <p>As the objective specifically excludes areas zoned 'Town Centre' or existing fast-food outlets, it is considered it will not be at odds with a desired mix of retail and town centre uses.</p>