

SECTION 1

Introduction



1.1 The Role of Development Management

The purpose of this manual is to set out the development standards that will be applied, as relevant, in the assessment of planning applications for development in the plan area.

The standards set out in this manual should be read in conjunction with the other relevant chapters and strategies in the plan and the relevant guidelines issued under Section 28 of the Planning and Development Act, 2000 (as amended). Volume 10 Energy Strategy also contains specific development management standards pertaining to certain types of energy developments, and accordingly should be reviewed, where relevant.

The standards listed are not exhaustive, and the Planning Authority reserves the right to set aside, amend, update or replace the standards in this manual.

It should also not be assumed that compliance with the standards set out in this manual entitle an applicant to planning permission.

1.2 Pre-planning

In accordance with the requirements of Section 247 of the Planning and Development Act, 2000 (as amended) the Planning Authority operates a pre-planning consultation service which provides applicants an opportunity to engage in discussions with the Planning Authority prior to the submission of a planning application. Further details and the pre-planning application form are available on the Council's website.

1.3 Development Contributions and Bonds

Pursuant to the provisions of Section 48 and 49 of the Planning and Development Act, 2000 (as amended), a Planning Authority, may when granting permission for a development, include a condition requiring the payment of a contribution in respect of public infrastructure and facilities benefitting the development in the area of the local authority that has provided or that is intended to be provided by or on behalf of the local authority.

The details and basis for the determination of the contributions are set out in the Development Contribution Scheme adopted by Wexford County Council. The current scheme is available on the Council's website www.wexfordcoco.ie

Depending on the nature of the development, the Planning Authority may also require, as a condition of the planning permission, the lodgement of financial security to ensure that the permitted development is satisfactorily completed. The amount and type of the security will be determined by the local authority. The security will be held until all works are satisfactorily completed to the exacting standards of the local authority, or until the development is taken in charge by the local authority.

1.4 Planning Enforcement

The Irish planning system allows development to be lawfully carried out in either of the following circumstances:

- in accordance with the terms of the planning permission granted for it; or
- in the case of an exempted development, without planning permission but in accordance with the terms of the exemption.

Any development which requires permission and does not have that permission is unauthorised development, as is a development which is proceeding in breach of conditions laid down in the planning permission.

The carrying out of unauthorised development is an offence. The following are examples of unauthorised developments that may be subject to enforcement action by the Planning Authority:

- erection of a structure or building which requires planning permission but has been built without it;
- change of use of a structure without permission e.g. shop to office;
- unauthorised works to or demolition of a protected structure;
- non-compliance with conditions attached to a planning permission;
- unauthorised display of an advertisement;

In accordance with the provisions of Part VIII of the Planning and Development Act,

2000 (as amended), the role of the Planning Authority is to undertake enforcement action with respect to unauthorised development where necessary.

1.5 Specific Assessments of Projects

There are a number of assessments which may be required for development. This depends on a number of factors including the location, nature and extent of the development.

1.5.1 Appropriate Assessment

The Planning Authority will ensure that any plan or project and any associated works, individually or in combination with other plans and projects, are subject to appropriate assessment screening to ensure that there are no likely significant effects on the integrity (defined by structure and function) of any Natura 2000 site(s) and that the requirements of Article 6(3) and Article 6(4) of the EU Habitats Directive are fully satisfied.

1.5.2 Environmental Impact Assessment

The Planning Authority will carry out an Environmental Impact Assessment (EIA) for proposed development listed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Schedule 5 specifies mandatory thresholds above which EIA is required in relation to types and scale of development proposals.

Where it appears to the Planning Authority that a sub-threshold development proposal may be likely to have significant effects on the environment, the Planning Authority may carry out a sub-threshold EIA. Where EIA is required (either threshold or sub-threshold), the Planning Authority will require the applicant to submit an Environmental Impact Assessment Report (EIAR). The Planning Authority will have regard to the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessments (DHPLG, 2018). The purpose of these updated Guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU and to assist with the achievement of a consistency of approach in the implementation of the Directive.

1.5.3 Flood Risk Assessment

The Planning Authority will require developments to comply with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG and OPW, 2009), the Strategic Flood Risk Assessment contained in Volume 11 and the objectives relating to flood risk management and surface water management contained in Volume 1, Chapter 9 Infrastructure Strategy.

1.5.4 Other Assessments

Depending on the nature and extent of the proposed development, other assessments may be required including, inter alia:

- Archaeological Impact Assessment
- Architectural Heritage Impact Assessment
- Landscape and Visual Impact Assessment
- Traffic and Transport Assessment.

1.6 Compliance with Building Regulations

While this is outside of the remit of the Planning Authority, applicants are reminded of their legal requirements to comply with the relevant provisions of the Building Regulations as they relate to the proposed development.