

VOL **4**

Section 28 Statement
of Compliance

Wexford County

Development Plan

2022 - 2028

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.

This statement has been prepared in accordance with Section 28, and details how the planning authority has implemented Section 28 Minister Guidelines in the Wexford County Development Plan 2022-2028

The Section 28 Guidelines are:

1. Development Plans - Planning Guidelines for Planning Authorities (2007)
2. Local Area Plans - Guidelines for Planning Authorities (2013)
3. Development Management - Planning Guidelines for Planning Authorities (2007)
4. Development Contributions - Guidelines for Planning Authorities (2013)
5. Flood Risk Management Guidelines for Planning Authorities (2009)
6. Sustainable Urban Housing -Design Standards for New Apartments Guidelines for the Planning Authorities (2018)
7. Sustainable Residential Development in Urban Areas-Guidelines for Planning Authorities and Best Practice Urban Design Manual (Companion document to the Guidelines) (2009).
8. Urban Development and Building Heights: Guidelines for Planning Authorities (2018)
9. Sustainable Rural Housing - Guidelines for Planning Authorities (2005)
10. Part V of the Planning and Development Act 2000 (as amended) (2017)
11. Design Manual for Urban Streets and Roads (2012, updated 2019)¹
12. Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)

¹ The implementation of these guidelines is mandatory for all roads authorities. Accordingly these guidelines are treated as Section 28 by the Planning Authority.

13. Retail Planning Guidelines for Planning Authorities and Retail Design Manual – A Good Practice Guide (2012)
14. Provision of Schools and the Planning System - A Code of Practice for Planning Authorities (2008)
15. Childcare Facilities Guidelines (2001)
16. Architectural Heritage Protection-Guidelines for Planning Authorities (2004 and 2011)
17. Architectural Heritage Protection for Places of Public Worship-Guidelines for Planning Authorities (2003)
18. Telecommunications Antennae and Support Structures (1996) and Circular Letter PL07/12
19. Wind Energy - Guidelines for Planning Authorities (2006) and Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change
20. Quarries and Ancillary Activities-Guidelines for Planning Authorities (2004)
21. 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)
22. Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2012)
23. Landscape and Landscape Assessment-Guidelines for Planning Authorities (2000) Draft

1. Development Plans - Planning Guidelines for Planning Authorities (2007)

The preparation of the CDP 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 CDP 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. It is considered that the CDP 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. Objectives CS14 and SH10 refer to the future application of the Guidelines.

2. Local Area Plans - Guidelines for Planning Authorities (2013)

The guidelines highlight best practice in local area plan making with the aim of improving the quality and effectiveness of these plans. The guidelines outline that LAPs must focus on identifying the needs of the local community and delivering quality outcomes for that community through enhanced public participation in the plan preparation process. LAPs have a key role to play in promoting economic development and employment growth as well as integrating environmental considerations such as climate change, biodiversity and green infrastructure into the local planning process. The role of LAPs in implementing national policies relating to planning for schools, smarter travel, sustainable residential development and urban design is also emphasised. The Guidelines require the use of graphics/2D and 3D modelling/illustrations and photographs as a means of communicating and making the vision and objectives for the area easy to understand and interpret by the local community and developers.

Objective CS14 and SH10 outline that the planning authority will have regard to these guidelines and any updated version when preparing new local area plans in the county. The CDP also incorporates elements of these Guidelines through the uses of graphics to display concepts such as the 'Route', 'Place' and 'Landscape' concepts in Volume 3 Settlement Plans.

3. Development Management - Planning Guidelines for Planning Authorities (2007)

The role of development management is to deliver the objectives in the CDP. 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. Volume 2 of the CDP sets out the development management standards that will be used to assess and determine planning applications. The introduction notes that these standards are not exhaustive and should be read in conjunction with the other volumes of the CDP and where relevant Section 28 Guidelines of the Minister. The CDP 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 that relate to their development proposals.

4. 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 expected outputs of the new guidance is 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 Council had regard to the guidelines when preparing the current scheme. This scheme is referred to in Volume 2 Development Management Manual, and will be applied to relevant developments.

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

The CDP has taken account of these guidelines through the preparation of a Strategic Flood Risk Assessment which is contained in Volume 11 of the CDP. This SFRA includes Stage 3 FRA for Rosslare Harbour and Kilrane and Bunclody Town which was used to inform land use zoning decisions for both those settlements. The importance of flood risk management is reflected throughout the CDP, with a dedicated section contained in Chapter 9. This section includes objectives to prioritise flood risk management and to ensure that the preparation of future local area plans and all development proposals comply fully with the guidelines, in particular, the application of the sequential approach, the preparation of site-specific flood risk assessments, the application and passing of the Development Management Justification where required and ensuring appropriate mitigation measures are in place. Objectives FRM03, 06, 07 and 08 relate specifically to the implementation of these guidelines.

6. Sustainable Urban Design-Design Standards for New Apartments Guidelines for the Planning Authorities (2020)

These guidelines are referenced in Chapter 4 Sustainable Housing, Chapter 14 Recreation and Open Space and Volume 2 Development Management Manual.

Chapter 4 discusses the future location of apartments, build-to-rent and shared living accommodation and housing mix. Section 4.7.5 addresses SPPR 1, 2, 7, 8 and 9 and includes a specific objective (Objective SH14) to implement these guidelines, including the SPPRs. Chapter 14 Recreation and Open Space reflects the public open space and play facilities requirements of the guidelines with Objective ROS21 referring to the guidelines. Section 3 in Volume 2 Development Management Manual incorporates apartment design standards and communal facilities in apartments and addresses SPPR 3-6.

7. Sustainable Residential Development in Urban Areas-Guidelines for Planning Authorities and Best Practice Urban Design Manual (Companion document to the Guidelines) (2009)

While these guidelines are referenced throughout the CDP, they form an important component of Chapter 3 Core Strategy, Chapter 4 Sustainable Housing, Chapter 5 Design and Place Making in Towns and Villages, Chapter 14 Recreation and Open Space, Chapter 15 Sustainable Community and Social Infrastructure, Volume 2 Development Management Standards and Volume 3 Settlement Plans.

The CDP aims to deliver 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. These guidelines form the basis of the objectives in the plan which requires the density, scale and form of the residential development to have regard to the guidelines and manual. The design manual also influenced the formulation of the urban design principles incorporated in both Chapter 5 Design and Place Making in Towns and Villages and Volume 2 Development Management Standards.

The Core Strategy notes that final density allocations will be decided upon in the respective Local Area Plans, and will be tailored in accordance with the density set out in the Sustainable Housing in Urban Areas - Guidelines for Planning Authorities and the

requirements of the NPF in terms of compact growth and requirement that 30% of all residential development will be in infill and brownfield sites.

Section 4.7.2 Housing Land Management includes a section on density (Section 4.7.2.1), which outlines that residential density will generally be applied in accordance with Table 4-5 setting out the indicative density allocations for the Level 1-4 settlements. Level 5-6 settlements are also discussed in this section.

Objectives SH08, SH13, ROS10 and SC08 refer specifically to the guidelines.

8. Urban Development and Building Heights: Guidelines for Planning Authorities (DHPLG, December 2018)

These guidelines are primarily dealt with in Chapter 5 Towns and Villages and Volume 2 Development Management Manual.

Section 5.9.6 of Chapter 5 Towns and Villages relates to density and building heights, supporting the role of increased densities and increased building heights in achieving NSO 1 Compact growth.

SPPR 1 in the guidelines requires local authorities to identify in the development plans locations where increased building heights will apply. In this regard, Objectives TV42 and TV43 in Chapter 5 sets out the proposed approach.

This section also outlines the requirements of SPPR 2 which requires planning authorities to ensure that an appropriate mix of uses, such as housing and commercial or employment uses, are provided for in development plans and such mixed uses will also be encouraged in planning applications at appropriate locations. Furthermore, SPPR 2 requires the use of mechanisms such as block delivery sequencing to ensure comprehensive urban redevelopment in a manner which addresses the need for housing office, social and community uses. The block delivery approach is provided for in the urban design requirements set out in Chapter 5.

Objective TV44 provides for SPPR 3 (compliance with Section 3.2 Development Management Criteria in the Guidelines) with SPPR 3 and SPPR 4 (housing mix on greenfield or edge of town locations) also incorporated into Section 2 of Volume 2 Development Management Standards.

9. Sustainable Rural Housing-Guidelines for Planning Authorities (2005)

Chapter 4 Sustainable Housing (Section 4.9) sets out the rural housing policy for the county which was formulated based on the methodology set out in the guidelines. This section was also influenced by NPO 19 in the NPF. The CDP identifies 3 rural area types, taking into account the characteristics of rural areas within the county and the differing housing requirements of urban and rural communities. Objective SH39 requires a 10 year occupancy condition to be attached to planning permissions for one off rural housing in the open countryside. The CDP also sets out development objectives in relation to housing and natural resources and transport (SH04) while Section 3.1 of Volume 2 Development Management Manual set out the assessment criteria for this type of development.

10. Part V of the Planning and Development Act, 2000 (2017)

These guidelines relate to the implementation of the Part V at the development management stage, highlighting the importance of early engagement at the preplanning stage. The guidelines also refer to the 6 different options available to developers and how they can be achieved. Chapter 4 Sustainable Housing (Section 4.7.1) and Volume 9 Housing Strategy refer to these guidelines and the Council will continue to apply these guidelines, and any future updates, in the implementation of and delivery of Part V social housing. Objective SH17 refers to the implementation of Part V.

11. Design Manual for Urban Streets and Roads (2012, and updated 2019)

These Guidelines feature significantly in the CDP, underpinning the approaches and objectives relating to the design of roads and streets in the county's towns and villages. These guidelines are reflected in Chapter 5 Towns and Villages, Chapter 8 Transportation, Volume 2 Development Management Standards and Volume 3 Settlements.

A route hierarchy for roads and streets has been developed around the guidelines: Arterial, Link and Local. An additional route has also been identified for County Wexford – country road/green routes. As well as detailed road design and movement function, the type of route will inform the design, building line/frontage, building type, building height, density and landscape treatment. Design standards for each route type are set out in Chapter 5 and Volume 2 Development Management Manual which also includes indicative cross-sections for each route.

The appropriate design speeds matrix from the Manual is also included and there are range of objectives included in both Chapter 5 Towns and Villages and Chapter 8 Transportation giving effect to these guidelines such as Objective TV26, TS16, TS26 and TS39.

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

The content of the Development Plan has been informed by the Spatial Planning and National Roads Guidelines for Planning Authorities ('the Planning Guidelines').

Acknowledgment of the interrelationship between transport demand and planning is integral to the Core Strategy, Settlement Strategy and strategy for the development of Towns and Villages which promotes compact growth in the settlements of the county. The plan ensures that land uses are aligned with existing and proposed transportation infrastructure and services.

Transportation issues are addressed specifically within Chapter 8 of the Plan. The chapter specifically promotes sustainable transport modes whilst ensuring that the function of national roads within the pan-European Ten-T network is protected and promoted.

Section 8.7.1 of Chapter 8 includes detailed policy statements and objectives relating to existing and proposed National Roads in the county. Fully reflecting the Planning Guidelines, this Section includes policy statements and objectives relating to:

- The improvement of national road linkages to Rosslare Europort from Oilgate, the Plan content having cognisance to the current and on-going Option Section process being undertaken by Transport Infrastructure Ireland (TII), the Department of

Transport Tourism and Sport and Wexford County Council (Objectives TS52 and TS54).

- The improvement of national roads linkages to Rosslare Europort within Rosslare Harbour itself, the Plan content having cognisance to the current option selection process being undertaken by TII and Wexford County Council (Objectives TS54 and TS55).
- Protection of the approved route of the N30 Clonroche by-pass (Objective TS53).
- Support for future upgrading of the N80 for safety and capacity reasons (Objective TS56).

Objective TS59 sets out the Council's intention to avoid the creation of new or materially intensified usage of existing access points to the national road network where speed limits of 60 kmh apply. Category 1 'Exception Circumstances' identified in this Objective reflects the principles of Section 2.6 of the Planning Guidelines but due to the extent of the national road network in the county and the limited motorway network, it is not possible to identify, in advance, specific stretches of national road. Furthermore, it not possible to predict the potential development of national or regional importance and their location requirements, which may arise over the period of the Plan.

The 'Exceptional Circumstances' identified represent a pragmatic approach to existing circumstances on existing national roads in the County. The wording of Objective TS59, including the categories of 'Exceptional Circumstance', carries forward a similar objective (T20) from the Wexford County Development Plan 2013-2019 (as extended), which was agreed following extensive consultation with the National Roads Authority / TII at that time. It was further revised following consultation at Draft Plan stage and PMA stage. It is reiterated that the categories are exceptional only and such proposals are required to be subject to an evidence base and incorporated into the Development Plan by amendment or variation in accordance with the Guidelines or in exceptional circumstances by Material Contravention under Section 34(6) of the Planning and Development Act, 2000 (as amended). The proposals will only be considered subject to compliance with the detailed criteria set out in Objective TS59 which includes the evidence base, safety, capacity and efficient operation of national roads will not be compromised.

Objectives within the transport chapter to support the development of cycleways alongside new national road schemes (TS63) and to support the development of edge of town public transport hubs (TS20) reflect the Planning Guidance to promote sustainable transport and encourage public transport use of National Roads.

The objectives relating National Roads in the Plan have been informed by the detailed formal submission of TII in response to the Section 11 (2) Notice issued by Wexford County Council in 2017 and on-going subsequent consultations in 2020 between Wexford County Council and the TII.

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

Volume 8 of the Plan contains the Retail Strategy which has been prepared having regard to the Retail Planning Guidelines for Planning Authorities (2012). Section 6.3 of Volume 8 contains the general Retail Planning Policies for the County and specific objectives for the four main towns. Objective WXC01 states that the planning authority will ensure that all retail development permitted is in accordance with the Retail Planning Guidelines for Local Authorities (RPGs) and the Wexford County Retail Strategy.

As required by the guidelines in Section 3.3 the Retail Strategy:

- Sets out the retail hierarchy for the county and confirms the level and form of retailing activity appropriate to each of the main towns (Table 1.3 and Chapter 5 Projected Retail Floorspace Requirements).
- Identifies the core shopping areas and opportunity sites have been identified which may, subject to the sequential test, accommodate the needs of modern retail formats for the four main towns (Section 6.2).
- Contains a broad assessment of the requirement for additional retail floorspace in the County (Chapter 5).
- Sets out Strategic Guidance on the location and criteria for assessment of the various types of retail development (Chapter 6).

- Development management standards have also been incorporated in Chapter 6 and the Volume 2 Development Management Manual.
- Contains objectives and initiatives such as mobility management measures (Chapter 8 of Written Statement and Chapter 4 of Retail Strategy) and public realm interventions (Chapter 4)

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

Chapter 15 Sustainable Communities and Social Infrastructure includes a section on education facilities with Objective SC18 referring specifically to the implementation of these guidelines

In accordance with Section 3 of the guidelines (Location of Schools – Planning Considerations), Section 15.7.2 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. Objective SC21 also requires significant residential developments (100+ units on zoned land) to include an assessment of existing schools in the area and their capacity in accordance with Objective SC34 (Social Infrastructure Audit).

15. Childcare Facilities Guidelines (2001)

Chapter 15 Sustainable Communities and Social Infrastructure includes a section on childcare facilities which reflects these guidelines. This section includes objectives to implement the guidelines (Objectives SC16 and SC17). The CDP 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 include the existing geographical distribution of childcare facilities and the emerging demographic profile of the area.

Volume 2 Development Management Manual also refers to the assessment of planning applications 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.

16. Architectural Heritage Protection-Guidelines for Planning Authorities (2004 and 2011)

Chapter 13 of the Plan relates to Heritage and includes architectural and archaeological heritage. County Wexford has a wealth of valuable architectural heritage which the Council wishes 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. Volume 5 sets out the Record of Protected Structures and Volume 6 focuses on Architectural Conservation Areas. The architectural heritage objectives have been informed by the content and advice of the guidelines, with Objectives BH09 and ACA08 directly referring to them.

17. 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 Volume 5 of the CDP.

18. Telecommunications Antennae and Support Structures (1996) and Circular PL07/12

Chapter 9 Infrastructure includes a section on telecommunications and broadband. This section incorporates the relevant guidance and includes an objective (Objective TC06) to have regard to the guidelines and Circular Letter PL07/12 (October 2012) which updated particular sections of the guidelines. There is an associated development management standard Volume 2 Development Management Manual.

19. Wind Energy - Guidelines for Planning Authorities (2006), Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2013) and Draft Revised Wind Energy Development Guidelines (2019).

The Energy Strategy, Volume 10 of the Plan, includes an objective to promote and facilitate wind energy development in accordance with the Draft Revised Wind Energy Development Guidelines. The Wind Energy section of the Energy Strategy has been developed in line with the aforementioned guidelines. It identifies areas of the county where wind energy development will be acceptable in principle, open for consideration or not normally permissible. These areas have been identified using a sieve mapping analysis of the key environmental, landscape, technical and economic criteria as recommended in the guidelines. Particular regard was had to the Landscape Character Types in Section 3.7 of the draft guidelines and the capacity of these landscape types to accommodate wind farm development. Development management standards have also been incorporated into the Energy Strategy having regard to Chapter 5 and 6 of the draft guidelines.

20. Quarries and Ancillary Activities-Guidelines for Planning Authorities (2004)

Extraction of aggregate resources is dealt with in Chapter 6 Economic Development (Section 6.7.5.5) and Volume 2 Development Management Standards (Section 5.8). The CDP has taken account of the Guidelines. In particular, the economic value of the extraction of aggregate resources in the county is acknowledged and the CDP, through its objectives, will facilitate the extraction of aggregate resources in an appropriate manner in a manner which minimises potential adverse impacts on the environment, natural and built heritage and amenities. Objective ED107 refers specifically to the guidelines.

21. 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 CDP which is included in Volume 12. All recommendations and mitigations measures from the SEA process have been incorporated into the Plan.

22. Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2012)

The purpose of the Guidelines is to provide practical guidance to planning authorities and An Bord Pleanála on procedural and technical issues arising from the requirement to carry out an Environmental Impact Assessment (EIA) in relevant cases. The CDP includes a section affirming that the Council will have regard to the guidelines and any updated version when assessing relevant planning applications.

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

Volume 7 of the CDP contains the Landscape Character Assessment (LCA). The LCA builds on previous LCAs. It had regard to these guidelines. Chapter 11 Landscape and Heritage also includes a section on landscape management which includes Objective L01-to have regard to the LCA and these guidelines when assessing planning applications.

24. Housing Supply Targets Methodology for Development Planning – Guidelines for Planning Authorities (December 2020)

These guidelines were issued to assist planning authorities to incorporate the NPF Implementation Roadmap population projections for their local authority area into the preparation of development plans and housing strategies in a consistent and coherent approach.

The Guidelines set a methodology for the application of population and housing projections into development plan processes and the setting of Housing Supply Targets for the relevant plan period. Chapter 3 Core Strategy and Chapter 4 Sustainable Housing in Volume 1

Written Statement and Volume 9 Housing Strategy fully incorporate the guidelines, the methodology and associated housing supply calculations.

As detailed in Chapter 4 Sustainable Housing and Volume 9 Housing Strategy, as the 'actual and estimated new housing supply' as calculated in row B, is close to the 'Plan Housing Demand' as calculated in row D (particularly on an annualised average basis), 'Adjustment F' is pursued to align with the NPF Implementation Roadmap to 2026.