15

Planning Guidelines

# Development Plans

## Guidelines for Planning Authorities

June, 2007

AN ROINN COMHSHAOIL, OIDHREACHTA AGUS RIALTAIS ÁITIÚIL
DEPARTMENT OF THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT

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# Minister's Foreword



Members of City, Borough, Town and County Councils are entrusted by law to make a development plan every six years. The development plan sets the agenda for the development of the local authority's area over its six year lifespan. Development, whether it be residential, industrial, commercial or amenity, must generally take place in accordance with the development plan. The plan is therefore a blueprint for the economic and social development of the city, town or county for which it has been made.

The legal basis for the process of making and adopting the development plan is set out in the Planning and Development Act 2000. I am satisfied that the quality and timeliness of development plans has been steadily improving. With the National Spatial Strategy and Regional Planning Guidelines in place, planning authorities have a most important role in delivering on the aims and objectives of those national and regional strategic planning frameworks through development plans; they should be clear and purposeful in what they are aiming to achieve for their areas.

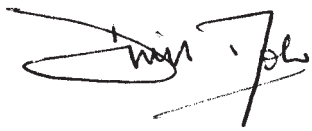
It is vitally important that the highest standards in the making of development plans be achieved on a consistent basis throughout the country. I have therefore decided to publish these guidelines for local authorities to assist in this work and to promote best practice in the making, amendment and variation of development plans.

The process of making development plans must be open, transparent and, most crucially, inclusive. All interested individuals and organisations, at local, regional and national levels, must be given adequate opportunity to comment or make submissions for consideration by the elected members of Council, before the policies, objectives and measures to be included in the plan are decided upon.

Planning Guidelines

I wish to take this opportunity to emphasise the decision-making role that local elected representatives, in delivering their democratic mandate, play in the making of the development plan. Members must have an active and driving role in the entire process, from its inception to its finalisation. They must listen to and take account of the views and wishes of the communities they represent. They must adopt the development plan at the end of the process. It is vital that elected members and the local authority executive work in concert and in close co-operation in the drafting of the plan, in the consultation process relating to the plan and in the shaping of the final plan for adoption by the members. Crucially, there is an onus on elected members and the executive to fulfil their responsibilities and functions in the common interest, adhering to proper planning principles and facilitating the sustainable development of their area.

These guidelines are published under section 28 of the Planning and Development Act. Therefore planning authorities are required to have regard to them when preparing and implementing their development plans. I am confident that they will be of assistance to planning authorities and all interested parties, and help to ensure the highest standards in forward planning across the country.



Dick Roche, T.D.
Minister for the Environment, Heritage and Local Government
June 2007.

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# Overview

High quality development plans lie at the heart of a high quality planning system. These guidelines set out a framework within which development plans will achieve high standards in:

- how they set out their aims and objectives,
- how they are produced,
- how they are presented, and
- how they are implemented and monitored.

Building upon the legislative framework established by the Planning and Development Acts 2000 - 2002, as well as past experience, these guidelines set out in detail, how, within the legislative framework for planning, Ireland can develop a more dynamic, objective and inclusive planning system to structure future development that meets wider economic, social, environmental and heritage objectives.

The guidelines have a number of key messages.

## Development plans should be strategic:

Planning and development issues today are complex and frequently overlap with other policy areas such as economic development, transport and education provision. The development plan must recognise the wider policy context and set out a strategic spatial framework – a clear view ahead in development terms – for the area the development plan covers. This spatial framework, while acknowledging wider social, economic and environmental trends, needs to focus on the "big picture" planning issues, possibilities and considerations that will underpin how the development process in that area is to be structured in order to achieve the plan's objectives for the wider community.

## Development plans should be a catalyst for positive change and progress:

Development plans must recognise and be responsive to the fact that Ireland's population and economy are continuing to grow rapidly. Ireland is one of only four countries within the EU 25 where a pattern of significant upward increase in population is predicted to the year 2020 and beyond. The latest population projections from the Central Statistics Office indicate that the

population will by then exceed 5 million. Up to 1 million homes could be needed to cater for the demand for housing to which this level of population increase and the reducing size and composition of households may give rise. Substantial retail development and development of educational, health and leisure facilities and other services, offices, enterprise and commercial development will also be needed to cater for the scale of projected growth. All of this will need to be underpinned by substantial investment by both the public and private sectors in modern infrastructure to catch up with the country's infrastructural deficit and continue to up-grade, modernise, provide and expand infrastructure such as roads, public transport, energy and telecommunications.

The making and implementation of the development plan is the opportunity for Planning Authorities to ensure that new development is promoted and structured in a way that achieves high standards, in terms of architectural quality and urban design and in the development of a high quality of public realm and compact towns and cities. The competitiveness of places will in the future increasingly depend on their attractiveness in terms of urban design, quality of amenities and efficiency of circulation. The development plan has the key role in ensuring that all of these objectives are met, thereby bolstering regional competitiveness.

The National Spatial Strategy (NSS) sets out a strategic planning framework to cater for the scale of anticipated development in Ireland for the period up to 2020. Gateways, hubs and other towns will see significant growth. The NSS also stresses the importance of creating places that will attract and sustain both people and jobs.

The development plan is central to achieving greater balance in regional development and enabling all areas to develop to their maximum potential. The plan creates the vision for the area it covers, specifies the type, amount and quality of development needed to achieve that vision and seeks to protect and enhance the environment and amenities. It creates the policy framework and necessary degree of certainty within which individual development decisions can be made over the life of the plan.

## Development plans should anticipate future needs on an objective basis:

Development plans, based on an objective, needs driven assessment of future development requirements including the amount of land that needs to be zoned for particular purposes, will help to build public confidence in the preparation of those plans and their implementation. Zoning that is not responsive to or justifiable by reference to reasonable needs, or that substantially exceeds such needs, is not consistent with proper planning and sustainable development.

## Role in protecting the environment and heritage:

Development plans play a central role in the identification and protection of the natural and built environment. The development plan will set out policies for the protection of the environment and heritage and is an important source of information for landowners, developers, communities and members of the public in this regard. Development plan policies affecting protected sites should be clearly compatible with their long-term protection and sustainable use.

## Development plans as a framework within which sustainable development can be achieved:

As the blueprint for development for their areas, development plans are the over-arching strategic framework document for sustainable development. Sustainable development means ensuring that all development is sustainable in economic, social and environmental terms. As such, the development plan must offer clear guidance on sustainable development policies and objectives, both national and local, which address the various issues involved, such as climate change, waste management, transport, urban development, sustainable communities, use of natural resources etc.

Development plans should be consistent with the objectives of *The National Climate Change Strategy 2007-2012*, which builds on the commitment to sustainable development set out in *Towards 2016* and the *National Development Plan 2007-2013*. This is one of a number of inter-related Government initiatives that will address energy and climate change issues.

## Consistency between plans and strategies at different levels is essential:

New frameworks for planning at national, regional, county and city levels have been provided with the National Spatial Strategy, Regional Planning Guidelines and the revised arrangements for preparing development plans under the provisions of the Planning and Development Act 2000. However, to be effective each layer of the planning system must reinforce and support the others. Development plans should take on board and implement relevant national and regional policies in a manner consistent with the NSS and regional guidelines if the planning system as a whole is to function effectively. Similarly, good development plans will inform policies at regional and national level. It is intended that guidance will also be prepared for planning authorities on Local Area Plans which will complete the suite of guidance for each layer in the planning framework.

## Ownership of the development plan is central to effective implementation:

The development plan is a framework for both initiating and influencing the process of change in our surroundings in order to support the wider economic, social and environmental objectives of the community. Building ownership of the plan by the elected members who adopt it, and by wider public and sectoral interests is essential to facilitating the plan's effective implementation. This will make the ongoing planning process, including the assessment of planning applications more transparent and efficient.

## Diverse community needs should be addressed:

The mix of different people in many areas, particularly in cities and towns, is changing rapidly. New communities are being established, made up of a diverse range of people of varying age, sex, race and ethnic background, physical ability and faith. Research into why certain cities and regions have a competitive economic advantage indicates that cultural diversity is one of the factors involved. In this broad sense, in-migration is likely to continue playing a significant role in supporting Ireland's economic development in the years ahead.

The planning process should be responsive to the planning issues arising from growing cultural diversity and should seek where possible to actively affirm and support the needs of the new local communities which are emerging. The areas where immigrants settle have the potential to develop a new local diversity which can re-vitalise them and support urban regeneration. New approaches to work practices, new types of entrepreneurship, links with home countries and other innovative approaches which immigrants may bring can become a basis for stimulating new local economic activity. Development plans may need to specifically recognise these changes and seek to create conditions which enable the potential for local initiatives to be realised. Views on the acceptability of different types and mixes of retail, commercial and other business activities at neighbourhood or community level should be teased out and reviewed, taking account of input from immigrant communities.

Effective data analysis combined with local knowledge from sources such as social services and educational establishments can help identify planning needs. In particular, planning authorities should seek to pro-actively engage with the Department of Education and Science to identify existing and future education requirements and plans from the national perspective. Greater liaison with the Department of Education and Science should also enable planning authorities to exploit the synergies involved in planning for educational provision.

In addition, consultation should reach out to those whose views may not have been canvassed in the past, and not just to those who have traditionally participated in the process. Different methods and techniques may be required for different sections of the population. Local planning authorities should involve the community at an early stage in the preparation of development plans. The community should also be involved in the monitoring process to help assess the impact of the development plan for different people in the community.

## Codes of Conduct must be observed in making the development plan:

In making and adopting the development plan, the elected council, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the "Code of Conduct for Councillors" prepared under the Local Government Act 2001, carry out their duties in this regard in a transparent manner, must follow due process and must make their decisions based on relevant considerations, while ignoring that which is irrelevant within the requirements of the statutory planning framework. Equally, local authority employees involved in the preparation of the development plan should perform their duties objectively and should have no vested interest in the contents of the plan – see the "*Code of Conduct for Employees*" prepared under the Local Government Act 2001.

# 1. INTRODUCTION

## Purpose and status of these guidelines

1.1 The function of the planning system is to support the sustainable development of land in the interests of the common good. The development plan is intended to provide the strategic framework and policy context for all local planning decisions. The Planning and Development Act 2000, referred to hereafter as "the Act" or "the 2000 Act", reinforces the role of the development plan as the primary strategic statement on land-use planning at city, town and county levels, and provides a clearly defined context for the formulation and content of planning applications.

1.2 The aim of these guidelines is to:

- Improve the quality and consistency of development plans, and thereby improve the quality and consistency of decisions on planning applications,
- Strengthen the strategic content of development plans, in the context of the hierarchy of plans envisaged under the 2000 Act, and
- Encourage consensus-building in the preparation, implementation and review of development plans.

1.3 Responsibility for making a development plan, including the various policies and objectives contained within it, in accordance with the various provisions of the Planning and Development Act 2000 as amended, rests with the elected members of the planning authority, as a reserved function under section 12 of the Act. Under Section 28(1) of the Act, the Minister for the Environment, Heritage and Local Government may issue guidelines to planning authorities regarding any of their functions under the Act and planning authorities must have regard to such guidelines in carrying out their functions. Relevant provisions of the Act and guidance provided combine to provide planning authorities with an overall framework within which development plans are prepared and implemented.

1.4 The present guidelines are designed to assist the process of preparing and implementing development plans. The guidelines outline best practice on a number of issues. They also provide advice on the structure and presentation of development plans in terms of policy statements, objectives, maps and supporting information. The guidelines also address the scope for using modern communications technologies and IT to enhance public participation and improve efficiency in the plan preparation process. Other guidelines issued by the Minister provide more detailed advice on the content of specific aspects of development plan policies and objectives. (see Appendix A).

1.5 In particular, the guidelines address statutory requirements relating to:

- The content of development plans as provided for under the Act
- The role of development plans within the hierarchy of planning frameworks established by the Act, and
- Consultation procedures.

## What makes a good development plan?

1.6 While all development plans will differ in their policies and objectives, it is possible to identify some of the common criteria likely to be shared by high quality development plans, in that they should:

- Create a clear strategic framework for the proper planning and sustainable development of the area over the duration of the plan, consistent with longer- term planning and sustainable development aims, including those set out in the National Spatial Strategy and any Regional Planning Guidelines in force.
- Set out an over-arching vision for the development of the area to which the plan relates.
- Give spatial expression to the economic, social and cultural aims of the County or City Development Strategy.
- Be grounded in public and political consensus around the plan's strategic framework.

- Provide a clear framework for public and private sector investment in infrastructure and in development in the area, having regard to both national and regional plans and policies.
- Protect and enhance the amenities of the area.
- Offer clear guidance to developers in framing development proposals and to the planning authority in assessing such proposals.
- Establish a policy framework within which more detailed plans (such as local area plans or plans for architectural conservation areas) can be drawn up for specific parts of the planning authority's area.
- Be capable of implementation and monitoring.

Development plans should be user friendly, logical, internally consistent and up-to-date and in a format which is suitable for hardcopy, Internet and CD versions.

## Legislative Foundation of Development Plans

1.7 Part II of the 2000 Act deals with development plans. The main provisions of Part II, which have informed the preparation of these guidelines, are as follows:

## Obligation to make a Development Plan (Section 9)

A planning authority must make a development plan every six years for the whole of its area. Urban planning authorities may make plans in co-operation with adjoining authorities, in order to provide for the integrated planning of towns and their hinterlands.

## Content of Development Plans (Section 10)

The plan must set out an overall strategy for the proper planning and sustainable development of the planning authority's area through the objectives to be included in the plan. Unlike the 1963 Planning Act, no distinction is made between urban and rural areas in relation to the objectives that must be included in the plan. The objectives that must be provided for are detailed in Section 10 (2) of the Act. A plan may also include any or all of the objectives set out in the First Schedule to the Act.

1.8 Two further provisions of Part II of the Act which are important in the preparation of plans are:

## Preparation of Draft Development Plan (Section 11)

The Act sets out in detail the procedures required for the preparation of a draft plan and these are summarised in Chapter 4 of these guidelines.

## Duty to Secure Objectives (Section 15)

Within the terms of its powers, a planning authority has a specific duty to ensure that the objectives set out in the development plan are secured. In this regard, plans should be grounded in financial reality and should set realistic objectives that can be achieved through public, local or private resources. Partnership with the private sector through, for example, PPP arrangements should also be considered. Within two years of making the plan, the manager must report to the elected members on the progress made in achieving the plan's objectives.

## Content of these guidelines

1.9 Chapter 2 of these guidelines sets out the essential role and functions of the development plan. These will influence its format. This format is elaborated on in chapter 3 (Development Plan Format) and chapter 4 (Development Plan Objectives ). Chapter 5 deals with the procedures for preparing or reviewing a plan, and chapter 6 covers the monitoring and evaluation of the plan following its adoption.

# 2. ROLE OF THE DEVELOPMENT PLAN

## Centrality of development plans

2.1 During its six year life, the development plan provides one of the key policy contexts for individual planning decisions in the development plan area. This presents distinct challenges to planning authorities across the system. For example, for cities, the development plan sets out how large urban areas will develop, while county plans set out how large geographical areas will develop. The plan will influence capital investment by both the public and private sectors, including capital projects by the local authority itself. The plan must give spatial expression to the economic, social and cultural needs of the community, in terms of influencing new development, enhancing valued amenities, and protecting the environment and heritage.

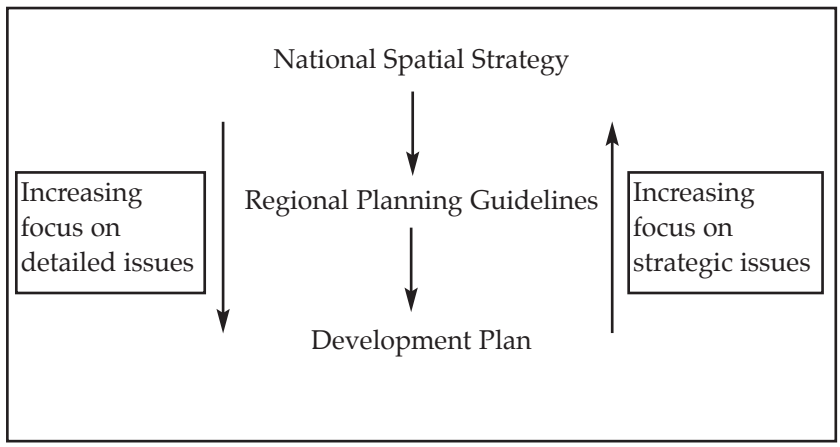
## Hierarchy of plans

2.2 The development plan must be part of a systematic hierarchy of land use and spatial plans, including the National Spatial Strategy and regional planning guidelines. It must also be informed by the plans and strategies of the Government and other public agencies in general. Box 1 indicates the broad nature of the relationships between plans at different levels covering different areas. The development plan must provide a reasonable level of guidance for developers, the public and those involved in or responsible for making planning decisions within planning authorities. Finally, it must combine these diverse roles in an internally consistent way and in a logical and clear format.

## The National Spatial Strategy

2.3 The National Spatial Strategy (NSS) establishes a spatial policy framework at the national level and gives indicative land use guidance which is relevant at all levels within the planning hierarchy. The formulation of plans at other levels must have regard to, and be consistent with the NSS.

**Box 1: Development Plans – Relationship with Other Land-Use Plans**




2.4 Regional Planning Guidelines (RPG's) operate within the national framework established by the NSS, while expanding on the NSS approach in more detail in relation to matters such as settlement, transportation and enterprise. Best practice guidance notes on the process of implementing RPG's, with particular emphasis on ensuring that development plans support the implementation of the guidelines and the NSS, issued to regional and planning authorities in February 2005.

The Regional Planning Guidelines published throughout the country in 2004 provide a long-term strategic planning framework for the development of regions. The planning frameworks set out in the guidelines take account of the future development of each region for the period of the NSS – the period up to 2020. The Strategy provides the context for the regional guidelines and these in turn provide the strategic framework for development plans, thus forming a hierarchy of planning policy from national to regional and local levels.

Planning authorities are obliged under the Act (Section 27) to have regard to any Regional Planning Guidelines in force for their area when making and adopting a development plan. Implementation ofRPG's, as well as the NSS, will therefore be aided through supporting policies and objectives in city and county development

plans. Planning authorities must have regard to any RPG's in force for their areas when making and adopting a development plan and may also have, but are not obliged to have, regard to any RPG's after 6 years from the making of such guidelines, (Section 27, sub-section 5). The Minister may also determine that planning authorities must comply with the guidelines, or require that any existing development plan comply with them.

Following the making of Regional Planning Guidelines for each region, it is recommended that a statement that positively affirms the RPG's be inserted into existing development plans. A statement of the key interface areas between the guidelines and the development plan and any implementation priorities that may arise at local level as a result of the regional guidelines should also be included in the development plan.

## Development Plans

2.5 Development plans are a key focal point within the hierarchy. The development plan utilises national and regional frameworks such as the NSS and Regional Planning Guidelines to inform and structure land use policies at the city or county level, which in turn provide a basis for day-to-day planning decisions.

## Local Area Plans

2.6 The 2000 Act provides that a planning authority **may** prepare a local area plan for any area within its jurisdiction for which it considers such a plan to be suitable, and in particular for those areas that require economic, physical and social renewal, and for areas likely to be subject to large scale development within the lifetime of the development plan. A planning authority is **obliged** to prepare a local area plan for an area which:

- is designated as a town in the most recent census of population, other than a town designated as a suburb or environs in that census,
- has a population in excess of 2000 persons, and
- is situated within the functional area of a planning authority that is a county council.

In providing development frameworks for particular areas, or parts of an area, local plans should address relevant issues in greater detail than in the development plan, but on a basis consistent with the approach of the development plan for the overall area.

The Planning and Development (Amendment) Act 2002 requires that a local area plan shall be consistent with the objectives of the development plan. A local area plan shall consist of a written statement and a plan (or plans) which may include:

" (a) objectives for the zoning of land for the use solely or primarily of particular areas for particular purposes, or

(b) such other objectives in such detail as may be determined by the planning authority for the proper planning and sustainable development of the area to which it applies, including detail on community facilities and amenities and on standards for the design of development and structures."

The development plan is thus the 'parent' document, which sets out the strategic framework within which the zoning and other objectives of the local area plan must be formulated. For example, the zoning of lands for use solely or primarily as residential development should have regard to the Council's housing strategy.

Development plans should indicate those areas for which a local area plan will be prepared, should set out a clear context for their preparation and give an indication of particular policies or objectives, which may need to be included therein.

Under section 20, sub-section (4) of the 2000 Act, the Minister may make regulations or issue guidelines in relation to the preparation of local area plans. It is intended to issue such guidelines in due course to assist in matters such as determining the circumstances in which it may be appropriate to prepare such a plan, other than in cases where the preparation of such a plan is mandatory, and to provide guidance on the process of preparing and the content of such plans.

## Strategic Development Zones

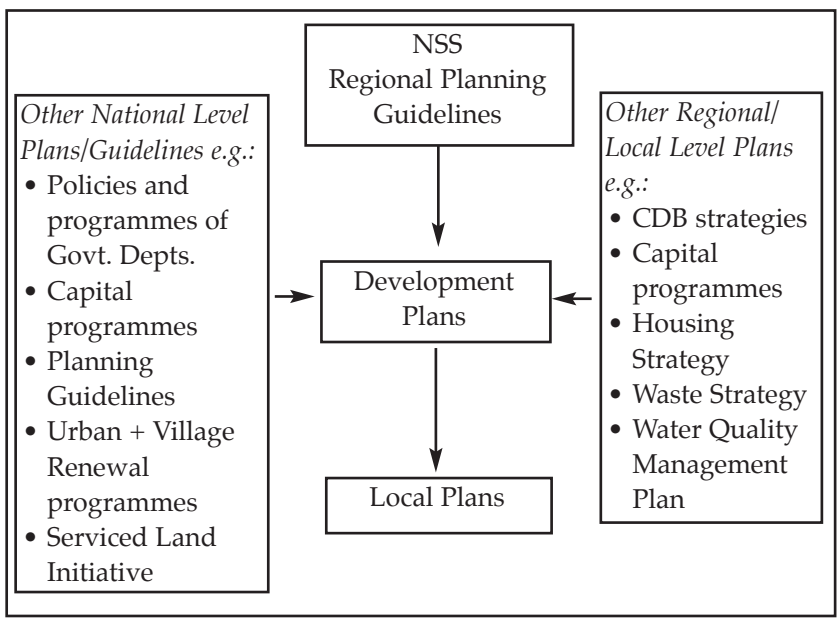
2.7 Sites for Strategic Development Zones (SDZs) may be designated by the Government (under Section 166 of the Act) to facilitate development of economic or social importance to the State. Within two years of such a designation, the relevant development agency (which may be the local authority) may prepare a draft planning scheme for all or part of the designated site. An SDZ is defined as a site or sites to which a planning scheme made under Section 169 applies. The form and content of such a planning scheme is set out in Section 168.

The planning scheme, once it comes into effect, shall be deemed to form part of the development plan and any contrary provisions of the development plan are superseded. However, in preparing a planning scheme, regard should be had to the provisions of the development plan. Radical departures from the plan are not envisaged. For residential development, the planning scheme must be consistent with the housing strategy prepared by the planning authority under Part V of the Act (as amended).

## Relationships with other Plans and Programmes

2.8 As well as forming a component within a vertical hierarchy of spatial plans, development plans are also informed horizontally by other relevant plans, strategies and programmes at national, regional and local levels, as Box 2 illustrates.

**Box 2: Development Plans – Links with other plans**



Examples of links at national level include the National Development Plan 2007 – 2013, as well as plans and programmes of Government Agencies and Semi-State bodies such as the National Roads Authority, CIE, Forfás and the development agencies. Examples at regional level include Waste Management Plans, River Basin and Water Quality Management Plans. Examples at city/county/local level include City and County Development Board Strategies as well as capital works programmes in housing, roads, water services, recreation, social and community areas. Links in relation to sustainable development include Sustainable Development: A Strategy for Ireland 1997, as reviewed by Making Ireland's Development Sustainable: Review, Assessment and Future Action (2002). Principles for Sustainable Development (Comhar, 2003) is also a useful general reference. It should be noted that a new sustainable development strategy is currently in preparation.

2.9 Some of the most frequent interactions will arise in the areas of policy relating to sustainable development, City and County Development Strategies and development plans of adjoining local authorities. These are described in more detail below. Other relationships between development plans and other plans, strategies and programmes are described in Appendix D "Relationships with other Plans, Strategies and Programmes".

## Sustainable Development: A Strategy for Ireland (1997)

2.10 The national strategy for sustainable development provides a framework for the achievement of sustainability at local level. It calls on planning authorities to incorporate the principles of sustainability into their development plans and ensure that planning policies support its achievement. This is now a mandatory requirement under the 2000 Act.

2.11 The Strategy identifies four key ways in which development plans can contribute to the achievement of sustainability. These are by:

- Encouraging efficiency in the use of energy, transport and natural resources through the careful location of residential,

commercial and industrial development and by controls on the shape, structure and size of settlements,

- Promoting the most effective use of already developed areas,
- Securing the protection and enhancement of the natural environment, including unique or outstanding features, landscapes and natural habitats,
- Accommodating new development needs in an environmentally sustainable manner.

2.12 The Strategy highlights the need for planning authorities in their development plans to take a strategic view of settlement patterns, development requirements and infrastructure needs and to avoid excessive suburbanisation, which is considered to be inefficient in the use of land, energy and transport. It states that Government funding for infrastructural development will not be forthcoming in the event of excessive and unnecessary land zoning in development plans.

Attention is also drawn to the need for integrated land-use and transportation policies to help minimise the potential growth in private transport demand and to increase the use and efficiency of public transport rather than facilitate the private car.

Furthermore the sustainable development strategy addressed the issue of rural settlement patterns. However, the National Spatial Strategy published in 2002 and the Planning Guidelines on Sustainable Rural Housing (2005), as the more recent and comprehensive expression of Government policy, have superseded the more limited provisions of the sustainable development strategy in relation to rural housing.

## County/City Strategies for Economic, Social and Cultural Development

2.13 To secure more efficient and effective delivery of services at county/city level, County/City Development Boards (CDBs) have been established in each county and city local authority. These Boards have representatives of local government, local development, the relevant State Agencies active at local level, and the social partners (including the community and voluntary sectors).

The CDB's have prepared socio-economic and cultural strategies for their areas for up to ten years ahead and are now in the process of implementing these strategies.

2.14 The "Guidelines on the CDB Strategies for Economic, Social and Cultural Development" (DOEHLG, May 2000) outlined the intended relationship between the CDB strategies and the development plan stating that:

- *"The relationship between the CDB strategy and the local authority's statutory development plan should become a model for the wider working of the CDB."*

- *"The CDB Strategy should in future provide the socio-economic context for the statutory local authority development plan."*

- *"The CDB Strategy must in turn take account of the statutory development plan and its goals, needs and statutory status."*

2.15 Both CDB Strategies and development plans are required to formulate strategies for the development of counties and cities and consider socio-economic and physical issues. They exist as parallel statements on the future development of counties and cities. However their remit is different. The focus of the CDB Strategy is on economic, social and cultural development, while the focus of the development plan is on physical development and land-use and how this can serve wider social, economic and environmental objectives.

Land-use decisions must be informed by socio-economic considerations, while the spatial dimension of the CDB Strategy will reflect the land-use policies and objectives of the development plan. However, the development plan is the statutory statement on land-use matters and must take precedence with regard to such matters. In practice, interaction will apply between both, as each will assist in setting a context for the other. Ultimately, CDB strategies and development plans should reflect and reinforce each other.

## Development plans of adjoining authorities

2.16 Most of Ireland's major cities and towns are composed of a number of planning authorities and therefore contain administrative boundaries between those authorities. The achievement of high quality, compact and sustainable urban development depends on the preparation and implementation of coherent and co-ordinated policies in a seamless manner across administrative boundaries. While the making of a development plan is normally the function of an individual authority, development plans may be made jointly for an urban area and its environs by an urban authority and an adjoining county council or county councils. It is strongly recommended that the above approach be adopted in strategic locations such as the Gateways and Hubs identified in the NSS or other major urban areas and where significant development is anticipated in both the urban area and its environs.

2.17 In the preparation of all development plans, planning authorities should have regard to neighbouring plans and there should be co-ordination with the objectives of these plans as far as is practicable. Development plans for adjoining areas therefore provide an important context, which should be fully considered in the preparation of the plan. This is also applicable in urban areas comprising two or more planning authority areas. In the case of authorities in Border areas, account should be taken of the plans of neighbouring authorities in Northern Ireland, including the Regional Development Strategy for Northern Ireland.

## Planning Guidelines and Directives

2.18 Under section 28 of the Act, the Minister may at any time issue guidelines to planning authorities regarding any of their functions under the Act. Planning authorities (and the Board where applicable) must have regard to these in the performance of their functions. Similarly under section 29, the Minister may issue policy directives to planning authorities and these must be complied with. It is important that development plans fully support national policies so that all local authorities play their full part in the achievement of national objectives. Also, development plans must set out an overall strategy for the proper planning and sustainable development of their areas. Where a development plan fails in

these regards, the Minister may use his powers under section 31 of the Act to direct planning authorities to amend their plans accordingly.

Any planning guidelines made by the Minister and any general policy directives issued prior to the commencement of Part II of the 2000 Act and still in force immediately before such commencement are deemed to be guidelines for the purposes of the Act. The current guidelines are listed in Appendix A; for updates, see the Department's website at www.environ.ie or contact the Department directly.

# 3. DEVELOPMENT PLAN FORMAT

## Structure

3.1 These guidelines provide a broad framework in relation to the structure and content of development plans. Local variations to the preferred structure will be necessary in order to address the different development contexts and issues that planning authorities face. However, the structure and presentation of all development plans will need to address the following broad aims:

The plan must:

- Be internally consistent and meet the requirements of planning legislation.
- Comprehensively and coherently address the relevant planning issues in order to promote the proper planning and sustainable development of the area.
- Be easy to read and should follow a natural and logical progression from strategic issues to more detailed matters such as development objectives and requirements, which provide the basis for development management decision-making.
- Be laid out clearly with the use of colour, illustrations and maps to enhance understanding and interpretation. Acronyms should be explained and where appropriate, terms used should be clearly defined.

3.2 To achieve these aims, the structure of a city, town or county development plan needs three main elements:

- An early focus on the *strategic or "big picture" planning issues* that an area faces, putting the city, town or county in question in the wider context as established by the NSS and Regional Planning Guidelines. This will be followed by an integrated and coherent overall strategy for the area. Elaboration of the overall strategy could be set out on a topic basis, under headings such as settlement, transport, housing, enterprise and employment etc.

- The policies and objectives and other measures, (e.g. guidance notes, standards) necessary to *implement* the strategy, particularly in the operation of the day-to-day development management system.

- Ensuring that the plan contains sufficient *detail* to explain where the strategy came from. This could be contained in appendices as appropriate to ensure that an over-emphasis on detail does not get in the way of a clear and succinct presentation of the central messages of the plan.

3.3 Taking into account the above, a development plan should, as a minimum, contain the following:

- The national and regional planning policy context, and, where appropriate, the Northern Ireland and European policy contexts.

- Population, housing and employment growth estimates, education provision requirements, as well as an indication of the more important drivers for change into the future.

- The overall strategy for the proper planning and sustainable development of the area.

- Mandatory objectives as set out in section 10(2) of the 2000 Act, including land use zoning, the provision of infrastructure, the Record of Protected Structures, urban renewal and the Seveso Directive.

- Relevant discretionary objectives (listed in the First Schedule of the Act), under the headings of location and pattern of development e.g. sustainable settlement and transport strategies, control of areas and structures e.g. density and design issues (referring as appropriate to the Government's policies set out in Action on Architecture 2002-2005), community facilities e.g. healthcare, recreational and children's play facilities, environment and amenities e.g. landscape protection, infrastructure and transport e.g. reservations of land for road and rail.

- Housing Strategy under Part V of the Act (as amended by the 2000 Act).

- Retail Planning Strategy (for county and city development plans).

- A strategic environmental assessment of the likely environmental effects of implementing the plan.

3.4 The overall format of development plans should comprise three main sections:

- **Strategy** – including both (i) an overview of major planning issues and influences on policies and (ii) the core strategy of the plan to deal with key issues identified in the overview into the future. The strategy and its broad components – i.e. settlement, transport, and main spatial elements of the area, now and in the future, should be capable of being expressed graphically, as well as in written form, through the use of clear and simple concept maps.

- **Objectives and Policies** – within the strategy component, a more detailed teasing out of strategic issues including detailed objectives and policies needed to achieve the core strategy of the plan, should be outlined. Headings to be considered here might include economic development, the housing strategy, services infrastructure, transport, education accommodation needs, protection of the natural and cultural heritage and amenity policies.

- **Supporting information** – this section should include much of the supporting information upon which the overall strategy and detailed implementation objectives and policies are based. The section should show how implementation will be monitored and reported on and should include background appendices on issues such as population or economic trends. An outline of a suggested table of contents that would flow from this approach is contained in Box 3.

The overall format and structure of development plans should also facilitate effective monitoring and evaluation of the Plan (see Chapter 6).

3.5 The strategic context of the plan should be derived from a synthesis of the preparatory and background enquiries that are carried out as part of the plan preparation process. This would include desktop studies of all relevant plans and strategies that the development plan must take account of. These include the NSS, Regional Planning Guidelines, development plans of adjoining planning authorities (including, where relevant, plans of adjoining authorities in Northern Ireland), plans and strategies of relevant Government Departments and Agencies, city and county development board strategies as well as other documents relevant to the planning process. This preparatory stage would also embrace the carrying out of analyses such as estimates of future population, employment, housing levels, educational requirements, transport demand patterns, water services capabilities, natural and built/cultural environmental assets and environmental carrying capacity assessments.

'Sustainable Development, a Strategy for Ireland' (DoEHLG) is a useful reference for planning authorities in these regards. Also, the objectives of The National Climate Change Strategy 2007-2012 require implementation in all sectors of our society, and it is imperative that the objectives and strategies set out in development plans are compatible with the Government's commitment to reducing energy consumption and modifying the impacts of climate change.

**Box 3. Suggested Structure and Content of Development Plans**

## *A. Strategic Context*

**Current Trends and Issues**
- National and regional spatial context
- Key demographic and socio-economic trends
- Physical development trends
- Key issues to address in this plan

**Development Plan Strategy**
- Core aims
- Settlement and transport strategy
- Development opportunities pursued in the plan
- Sustainability – the Plan and Effects on the Environment

## *B. Policies and objectives to implement the Strategy*

**General Location and Pattern of Development**
- Land use zoning objectives
- Other overarching objectives regarding location of development e.g. protection of amenities

**Housing**
- Summary of Housing Strategy
- Urban and rural settlement objectives

**Economic Development**
- Objectives to support the enterprise sector
- Summary of Retail Strategy
- Tourism and Recreation
- Advertising

**Environment, Heritage and Amenities**
- Environmental and amenity objectives
- Cultural and sporting facilities objectives
- Open space strategy and objectives
- Natural and cultural heritage including built heritage

**Infrastructure**
- Transport objectives including public transport.
- Promotion of sustainable patterns of development.
- Promotion of walking and cycling
- Water Supply and Waste Water Services
- Waste Management
- Telecommunications
- Energy

**Requirements for New Development**
- References to and summaries of key aspects of supporting documentation in relation to standard requirements for parking, residential development (e.g. house design guidance), apartments, advertising signage, sightlines on roads etc.

## *C. Supporting Information*
- Supporting information in relation to population and economic growth projections, traffic forecasts, future drivers of change, summaries of other key plans, guidelines and strategies that have influenced the generation of the plan, key issues etc.
  Supporting information could be incorporated in Appendices to the plan, as appropriate.

Integration of environmental considerations into the plan at an early stage of its evolution is vital if the plan is to set out an overall strategy for proper planning and sustainability as required under Section 10 (1) of the Act. Matters such as the environmental carrying capacity for various types of development in different areas should be a leading consideration in determining both development opportunities and development limitations. Consideration of the capacity of the environment to accommodate development will include matters relating to the availability of water services, capacity for integrating future development with public transport networks, conserving ground water quality, integrating landscape considerations into locational considerations and protection of the natural and built heritage. The process of Strategic Environmental Assessment is considered in more detail in planning guidelines issued by the Department in November 2004. The key requirement is that environmental considerations should be integrated into the preparation of a development plan from the beginning rather than leaving the assessment of the effects of the plan on the environment until the end of the plan-making process.

## Translating the strategic vision:

3.6 Development plans are positive policy instruments intended to both manage and influence change in our surroundings in achieving their objectives. The drafting of plans should reflect this positive role of plans in clearly highlighting where sustainable and effective development opportunities lie and identifying what needs to happen to ensure that these opportunities are realised. Translating the overall strategy of a development plan into detailed policies and objectives will require consideration of a number of key themes that are interrelated and overlap. While it is not intended that these guidelines would cover all themes in detail, some of the key topics include the following:

- Housing strategy
- Settlement strategy embracing both urban and rural areas
- Land use and transportation strategy
- Retail development strategy
- Economic development
- Integration of environmental and heritage considerations

## Population Estimates

3.7 It is important that development plans for counties, gateways, hubs and other large towns should closely reflect – and make adequate provision for - the scale of population growth in the most recent relevant population projections. While these projections may relate to a longer period than the 6-year life of the development plan, and will depend to some extent on economic and migration trends at national level, development plan estimates should not be based solely on projections of historic trends within the area.

Analysis of such trends forms the starting point. However, planning authorities will need to take account of such factors as natural increase rates, average household size, the age structure of the population, and whether there is net migration into or out of the area. Such detailed analysis of Census and other data might best be carried out in a pre-plan working paper, whose main conclusions could be summarised in the plan itself.

A number of factors need to be taken into consideration when determining the location and quantity of land to be zoned. The Regional Planning Guidelines provide regional population growth and target projections. Existing demographic trends will then need to be seen in the policy context set by the Regional Planning Guidelines. Projected population growth over the life of the new plan should be such as to support the achievement of Regional Planning Guidelines objectives. These growth projections should in turn inform the housing strategy (see below), and particularly the estimate of the likely future needs for housing in the area. The analysis may pinpoint the need for particular housing types e.g. for older people. Demographic analysis will also help to identify the likely size of the labour force in the area, and thus the demand for new jobs.

Population estimates in development plans for smaller urban centres will be largely based on analysis of recent trends, but should also reflect any relevant Regional Planning Guideline policies i.e. they should have regard to the overall scale of development envisaged for the region and the particular role of the town within the region.

## Housing strategy

3.8 Section 95(1) of the Act requires that a development plan shall set out a strategy for the purposes of ensuring that the housing needs of the existing and future population of the area are provided for. The Housing Strategy is a key starting point in framing development plan objectives. Therefore, every effort must be made by both the planning and housing sections of local authorities to ensure that an up-to-date Housing Strategy is in place to inform the development plan preparation phases and that the period for which the Housing Strategy and the development plan are in force coincide at all times, as required under the provisions of section 94 of the Act. Reference to the Housing Strategy or a summary of its key forecasts and provisions should include, at an early stage in the written statement of the development plan:

- The broad quantum of population, household formation and housing demand likely to arise in the planning authority's area over the plan period,
- The breakdown of that quantum in terms of housing provision for the private housing and social/affordable sectors,
- The breakdown of that quantum in terms of housing provision in both urban and rural areas.

Quantifying future housing needs sets the scene for elaborating later in the development plan on where additional housing would be best located in the context of settlement and transport strategies. Quantifying housing needs and identifying locations for additional housing within an objective, needs-driven framework, is a key way in which the objectivity and robustness of development plans and local plans can be assured. In addition, the housing, settlement and transportation strategies should each support and reinforce each other. The Housing Policy Framework: Building Sustainable Communities (DoEHLG, 2007) sets the overall policies and objectives for sustainable communities and should be central to the development of housing strategies.

(Detailed advice on the preparation of housing strategies is provided in the guidelines for planning authorities on Part V of the 2000 Act).

3.9 The likely length of the housing strategy suggests that it should be incorporated into the development plan as an appendix. However, the written statement in the main text of the plan should:

- Specify exactly how the housing strategy is incorporated into the development plan written statement e.g. as an appendix of the plan,
- Include an **objective** to secure implementation of the housing strategy and,
- Include an **objective** requiring that a specified percentage of the land zoned for residential use, or for a mixture of residential and other uses, be made available for the provision of social and affordable housing.

## Settlement Strategy

3.10 Working within the estimates of future housing need established through the housing strategy, county development plans need to clearly identify the most appropriate settlement structure which the wider aims and objectives of the plan are working towards. In this context, the settlement strategy needs to be responsive to issues such as sustainable development, efficient transport, labour force and employment projections, population projections and balanced regional development. Also, development plans should encourage means of overcoming any deficiencies in existing settlement patterns, by promoting consolidation, densification and introduction of new uses.

Working within the framework established by the NSS at national level and Regional Planning Guidelines at regional level, the settlement strategy within the development plan will normally take the form of:

(1) A statement of the settlement hierarchy ranging from, as appropriate, the city/very large town level, the medium - sized town level, county towns, other towns, smaller towns and villages.

(2) A statement outlining the planning authority's aims and policies in relation to the various categories and levels of towns in relation to (a) scale/population (b) main development functions, and (c) future development priorities.

(3) A statement outlining the overall approach to settlement in rural areas working from the policy framework established in section 5.3.2 of the NSS and the Planning Guidelines for Sustainable Rural Housing (2005).

(4) A statement outlining the justification for the settlement strategy on the basis of planning issues such as existing settlement patterns, the need to adapt or alter settlement patterns, achieving balanced regional development, strategic locations by virtue of proximity to key transport corridors or nodes, the availability of, or capacity to provide, water services, education requirements or other socio-economic objectives relevant to planning considerations.

(5) A simple, clear and diagrammatic concept map that illustrates the interrelationships between:

- The county, city or towns wider spatial context,
- The location of the different elements of the settlement structure,
- The main transport and other infrastructure corridors, including public transport services as well as nodes such as ports, airports or key intersections between main routes,
- Other key features such as main rivers and landscapes.

The development plan should ensure that the underlying aims of its settlement strategy are linked with and support relevant policies and objectives elsewhere in the plan e.g. transport, water services and environmental protection.

## Land Use and Transportation Strategy

3.11 There are clear overlaps and opportunities for synergy between the areas of land use policy and transport. Integrated land use and transport planning has a key role in delivering social, economic, and environmental sustainability. By seeking to influence the location, scale, density, design, and mix of land uses, and thus shape patterns of development, planning can help to facilitate an efficient transport and land use system by:

- facilitating a move towards sustainable modes of transport e.g., public transport, cycling, walking.
- making it easier for people to access employment and services;
- facilitating the operation of labour markets;
- reducing the impact of transport on communities;
- improving freight flows and access to key ports and airports;
- providing for the efficient distribution of goods and services to business and the community;
- providing a choice of travel modes; and
- ensuring flexibility to meet the demands of a changing economy and market conditions.

The reservation of corridors for transport infrastructure such as roads and public transport is vital to facilitating the provision of such infrastructure in a timely and cost-effective manner. In addition, consideration of land uses along major transport corridors must take account of the need to preserve their capacity to cope with increasing demands for safe and effective transport.

3.12 The development plan should address the key areas of inter-relationship between land use and transport and should set out its overall aims on this key issue. These might include:

(1) A statement (accompanied by a diagrammatic illustration) outlining the key transport corridors, nodes and networks, including public transport networks such as bus networks, that are present in or traverse the county in question.

(2) A statement regarding the key development issues facing the evolution of these transport networks.

(3) A statement of supporting policies to ensure that transport and settlement patterns will mutually support each other.

(4) Statement of policies to:

- minimise the need for travel,
- reduce the length of journeys,
- maximise the proximity of people, business and the services they require,
- encourage more urban movement involving walking, cycling and public transport
- promote greater investment in and usage of public transport modes such as rail and bus networks, with the support of complementary land use policies
- maximise road safety through clear policies on access to and control of development on or near roads, including National Roads.

In relation to the last point above, development plans should reflect the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005), the *Policy and Planning Framework for Roads* published by the Department of the Environment, Heritage and Local Government (and now the responsibility of the Department of Transport) and any other relevant guidance. The *Policy and Planning Framework for Roads* states that it is:

*"Government policy that this investment (in National Roads) should be safeguarded by preventing the premature obsolescence of those roads as a result of inadequate control on frontage development"*

Also, regard should be had to the "Policy Statement on Development Management and Access to National Roads" issued by the National Roads Authority in May 2006.

This framework should inform the development of policies and objectives for the road network in an area.

**Retail planning strategy**

3.13 Under the Retail Planning Guidelines (2005), all City and County development plans are required to incorporate the following retail planning policies:

i Confirmation of the retail hierarchy including the role of urban centres of differing sizes, and the size of the main town centres.

ii Definition in the development plan of the boundaries of the core shopping areas of cities and towns.

iii A broad assessment of the requirement for additional retail floorspace.

iv Strategic guidance on the location and scale of retail development.

v Preparation of policies and action initiatives to encourage the improvement of town centres.

vi Identification of criteria for the assessment of retail developments.

The retail hierarchy should be clearly linked to and evolved from the settlement hierarchy envisaged in the settlement strategy elements of the development plan. It should take into account the needs of consumers in terms of facilitating a competitive retail environment, while promoting development at locations which are readily accessible, particularly by public transport, and in forms which support multi-purpose trips on the same journey. Implementing the retail strategy and policies may also involve planning authorities taking on a proactive role in seeking out and supporting development opportunities. These might include assembling town centre sites, tackling dereliction and generally harnessing powers under derelict sites and planning legislation to act as a catalyst for private sector driven development.

Planning authorities should ensure that any activities in seeking out and securing development opportunities are consistent with EU State Aid Rules.

## Socio-Economic Development

3.14 The development plan is primarily focused on physical planning issues such as the location of development and the appropriate uses of land. However, this is situated within a context of economic, social and cultural objectives of the wider community. If the development plan process is to be effective and responsive

to the wider objectives of society, account needs to be taken of the key drivers of change and of indicators of the need for change.

3.15 The development plan therefore needs to take account of wider objectives of relevant documents such as the City and County Development Strategies, the development agencies such as Forfás, IDA Ireland, Enterprise Ireland, Shannon Development and Údarás Na Gaeltachta and business interests.

3.16 Examples of linkages between the activities of development agencies and land use policies might include:

- estimates of land required for employment related purposes,
- co-ordination of industrial land provision with other essential infrastructure such as roads and public transport, water services, and energy communications,
- ensuring the requirements of specific sectors are being addressed in land use terms e.g. both local start-up businesses and foreign direct investment and/or
- planning schemes for Strategic Development Zones designated by Government under Section 166 of the Act (see also chapter 2 of these guidelines).

3.17 The development plan should be responsive to key business opportunities and trends in areas, for example, the need for particular types or locations of land for economic activity, taking into account the requirements of specific economic sectors, such as industry, services, natural resources or tourism. In particular areas, where there may be competing demands for land to cater for these enterprise sectors, and/or to cater for these sectors and residential or other land use needs, the development plan should seek to resolve potential incompatibility of different land uses through indicating a clear preference for a particular use, or through allowing various uses within a clearly defined framework which would minimise future difficulties arising from potentially conflicting uses being permitted in the particular area.

## Development management

3.18 Development plans have sometimes been criticised for being overburdened with unnecessary development management details. If plans are to achieve a strategic focus, only essential development

management standards should be included to provide a reasonable level of certainty for significant or recurring forms of development in the area. The development plan should not attempt to anticipate every eventuality. As stated earlier, certain detailed objectives are best left to lower-tier plans. There is also scope for non-statutory design guidance in booklet or leaflet form (dealing with issues such as the siting and design of houses in rural areas or domestic extensions in urban areas).

3.19 While development management policies have to be sufficiently flexible to deal with a range of "real life" circumstances, it is crucially important that exceptions to the policy are not so widely drawn as to negate the worth or thrust of the policy itself. For example, it might be policy to require higher housing densities in some areas, yet applying parking standards in a rigid manner may make higher densities quite difficult to achieve.

*Development Management-Consultation Draft Guidelines for Public Consultation* which was published in November 2005, can be viewed on the Department's website www.environ.ie. Finalised guidance is being issued in conjunction with these guidelines.

## Strategic Environmental Assessment

3.20 The EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA) stipulates that SEA must be carried out on all plans and programmes likely to have significant effects on the environment, including those which set the framework for future development consent for EIA-type projects. All city and county development plans come within the scope of the Directive. SEA will also be required for development plans made by Town Councils where the population of the area is 10,000 or more (and for Local Area Plans for towns of this size). Regulations (S.I. 436 of 2004) prepared under the Planning and Development Act 2000 transpose the requirements of the SEA Directive in so far as land-use planning is concerned.

3.21 The Department issued guidelines for regional and planning authorities in November 2004 on implementing the Directive. These guidelines show how SEA can be integrated into the process of making, reviewing or varying a development plan.

3.22 To facilitate ongoing research over the plan period and for future plans, it is important to ensure that the contents of development plans are formulated in a manner which allows for proper monitoring and review. The impact of policies and specific objectives should, wherever possible, be capable of quantification (see also chapter 6 below).

## Variations

3.23 During the lifetime of a development plan, planning authorities may wish to adjust the objectives and policies of a development plan in order to take account of different circumstances or issues unforeseen at the time of the original making of the development plan. For these reasons, Section 13 of the Planning and Development Act 2000 provides the facility for the making of a variation to the development plan. It is important however, that in making a variation to the development plan, that the variation and other parts of the plan are internally consistent i.e. a proposed variation should also incorporate any necessary adjustments to other relevant parts of the plan. Authorities should also maintain a consolidated version of the plan, incorporating all adopted variations, on their website.

Furthermore, Section 34 (6) of the 2000 Act establishes the "material contravention" procedure, whereby planning authorities may decide to grant permission for development proposals that would otherwise materially contravene the development plan.

The material contravention procedure is intended as a mechanism to deal with specific planning applications, whereas the process of making a variation is intended to facilitate the adjustment of the objectives and content of a development plan that would then apply across the full range of functions of a planning authority including the consideration of planning applications.

# 4. DEVELOPMENT PLAN OBJECTIVES

## Requirements of the Planning and Development Act 2000

### Specific objectives

4.1 The requirements of the 2000 Act with regard to the content of development plans are set out in section 10(1), which states that:

*"A development plan shall set out an overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question."*

4.2 Section 10(2) specifies the development objectives that must be included in the plan. In addition, Part V of the Act (as amended by the 2002 Act) requires that the development plan shall include a housing strategy for the area of the plan. The objectives specified in section 10, together with the housing strategy are mandatory requirements. The First Schedule to the Act sets out the discretionary objectives, which may be indicated in the development plan, as so determined by the planning authority.

4.3 Paragraphs 4.4 to 4.70 provide guidance on each of the mandatory objectives for the content of development plans.

### Mandatory objective 1: Zoning

4.4 Section 10(2)(a) of the 2000 Act requires that a development plan shall include objectives for:

*"the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of these uses) and to such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated."*

Development plans perform an important task in setting out the framework within which the development needs of the economy and society in general can be responded to while maintaining, and where possible, improving the environment. One example of delivering on this task would be a development plan that seeks to promote urban renewal of brown-field sites, eliminating run down areas and maximising re-use of existing developed areas and infrastructure while meeting current demands for space for housing or other development.

4.5 The process of setting objectives for the zoning of land must seek to get the right balance between:

(a) Making sure that enough land is being zoned so that the development needs of the economy and society in the area in question over the plan period and for a reasonable period beyond can be met; and

(b) Avoiding the zoning of too much land and thereby creating a situation where priorities for development are not clear and where as a result it is difficult to secure an orderly and progressive approach to the development of that area, particularly in the matter of providing essential services such as roads, drainage, social infrastructure and amenities.

Land-use zoning is therefore about identifying the quantity of land needed over the plan period, the best locations for such land, the acceptability or otherwise of the various classes of land use within any particular zone, and in the case of relevant land uses, the intensity of development to be permitted. Zoning gives a degree of certainty to residents, developers etc. The use of non-specific zoning designations should be avoided.

Following the approach set out, a development plan should ensure that enough land will be available to meet anticipated development requirements and will be developed in a sequential and co-ordinated manner. This will avoid, for example, a situation where housing estates are built beyond the outer edges of existing built-up areas while intervening lands lie undeveloped resulting in deficiencies in terms of footpaths, lighting, drainage or adequate roads infrastructure.

4.6 The overall approach to the zoning of land in development plans may vary between authorities depending on whether their functional area is, for example, largely urban or largely rural and the size of that functional area. Most, if not all, of the lands covered by development plans for city and town council areas will be subject to land use zoning for specific objectives. Many county development plans also include detailed land use zoning objectives and maps identifying zoned lands for part of the planning authority's functional area. Planning authorities may need to consider the need to zone more extensive areas for development around certain towns and cities designated as growth centres in the National Spatial Strategy or in Regional Planning Guidelines. On the other hand, and in the interests of sustainable development, excessive areas of land around small towns and villages should not be zoned for development. It is not however a requirement of the Act that all land within a planning authority's functional area be subject to a zoning objective.

Zoning in regulating developments in existing built-up areas should also be dealt with, with particular regard to safeguarding and improving amenities and general living conditions.

In deciding whether or not to zone areas in a development plan the questions that should be taken into consideration are:

(a) Is there a likelihood of significant development activity taking place, for example in developing urban areas e.g. designated NSS Gateways and Hubs, within the plan period to a degree that an overall framework to structure, co-ordinate and plan that development is essential?

(b) Whether likely development activity, for example in rural areas, is such that it can be dealt with within the development management process, taking on board relevant objectives and policies in the development plan.

Planning authorities are also reminded that the provisions of Part V of the Act regarding the reservation of up to 20% of land for social and affordable housing provision only applies to land that

has been zoned for residential or for a mixture of residential and other uses.

4.7 Planning authorities with the largest functional areas may need to adopt a more manageable method of handling their land use zoning objective requirements by addressing this objective in terms of determining the overall zoning objectives in the county development plan, while determining the detailed and specific zoning required to meet those objectives in local area plans. Where this approach is adopted there must be a clear and unambiguous link between the development plan and the relevant local area plan or plans. The county development plan should include strategic or county-wide objectives specifying the quantum and location of land, including general development boundaries for urban areas to be zoned and the categories of uses for which it is to be zoned, and where appropriate the intensity of use to be permitted. The more detailed identification and zoning of the specific lands involved could then be undertaken in the context of local area plans to be made in parallel with the county development plan, or as soon as possible thereafter. Where this approach is adopted, the development plan must include objectives that address the following:

- The number, geographical extent and the timing for the preparation of local area plans in which it is proposed to set out detailed zoning objectives;

- The identity of the towns, larger villages and other urban areas to be addressed in each proposed local area plan, the quantum of land to be zoned through the local area plan in those places, including general development boundaries for such areas and the general categories of uses for which the land will be zoned; and

- An objective indicating clearly that all the county-wide objectives of the development plan (including in particular those under-pinning the housing strategy) will apply in areas to be zoned in local area plans.

4.8 Together, these requirements must create a clear and unambiguous link between the county development plan and any relevant local area plan. For example, for residential purposes the cascade down from Regional Planning Guidelines to development plan housing strategies in terms of the population growth and housing demand to be catered for over the lifetime of the plan and beyond and the land use requirements arising from these must be clearly carried through into the relevant local area plan. A similar approach must be adopted for other zonings e.g. industrial zoned lands, retail etc.

4.9 Development plan land use zones have traditionally been single-use zones such as residential, industrial or commercial and related uses. This will continue to be appropriate in some cases. In other areas, such as city, town or neighbourhood centres, it may be more appropriate to consider mixed use zones where a wide range of compatible activities would normally be considered appropriate. This will help promote the achievement of sustainable development by facilitating a balance of housing, employment and local facilities within an area, and by promoting compatible re-use of existing development, thereby reducing the need to travel. It is important that zoning designations are applied in a manner which generally facilitates an appropriate mix of compatible uses within urban areas. Factors to be taken into account in determining compatibility include traffic impact, amenity considerations, possible phasing issues and the character or sense of place which it is intended to create or protect. The intention should be to guide and influence change in the interests of the common good, balancing various interests, in preference to creating homogenous land-use areas. To support the provisions of Part V of the 2000 Act, it is also important to consider zoning land in smaller villages and settlements for residential use or for a mixture of residential and other uses.

## Factors in determining Zoning

4.10 To support public confidence in the planning system and the development plan, decisions to zone land must be made in an open and transparent manner, must be clearly justified on the basis of established need and must support the aims and strategy of the plan.

4.11 Under Section 95 (1) of the Act, planning authorities are obliged to ensure that sufficient and suitable land is zoned for residential, or for a mixture of residential and other uses, to meet the requirements of the housing strategy and to ensure that a scarcity of residential land does not occur at any time during the period of the plan. The Part V Housing Supply Guidelines set out how planning authorities can meet their obligations in this regard.

4.12 In addition to the above, when considering the suitability of specific lands for development, within the process of preparing zoning objectives in making a development plan, the members are restricted to considering the proper planning and sustainable development of the area to which the development plan relates, statutory obligations and Government policy. Matters typically relevant to the proper planning and sustainable development of areas, inter alia, include:

- Need
- Policy Context
- Capacity of Water, Drainage and Roads Infrastructure
- Supporting Infrastructure and Facilities
- Physical Suitability
- Sequential Approach
- Environmental and Heritage policy, including conservation of habitats and other sensitive areas.

### *(a) Need*

4.13 The amount of land to be zoned for any particular land-use must be clearly based on, and justified by, a realistic assessment of need. The survey and analysis stage of plan preparation should provide the baseline data to determine future land requirements. A number of factors need to be taken into consideration when determining the location and quantity of land to be zoned. The Regional Planning Guidelines provide regional population growth and target projections. The assessment of need for additional residential land will be set out in the local authority's housing strategy and calculated in accordance with the recommendations of the Housing Supply Guidelines.

With regard to other land-uses, it will be necessary to estimate likely future requirements based on past trends, outstanding planning permissions, expected take-up rates, availability of suitable services and infrastructure, projected population levels and economic context. This process should assess the capacity of existing built-up areas to accommodate additional development, either by facilitating increased density or by securing redevelopment of areas in need of renewal. As has been noted, land is a finite resource. It is important therefore to ensure its efficient use by maximising the re-use of previously developed land and the conversion and re-use of existing buildings.

4.14 Planning authorities should take all reasonable steps to ensure that sufficient zoned residential land is available throughout the lifetime of the development plan and beyond to meet anticipated needs and allow for an element of choice. In particular, to ensure continuity of supply of zoned residential land, planning authorities should ensure that at the time they make a development plan, enough land will be available to meet residential needs for the next nine years. In this way, development plans will provide for sufficient zoned land to meet not just the expected demand arising within the development plan period of six years, but will also provide for the equivalent of 3 years demand beyond the date on which the current plan ceases to have effect.

In relation to uses other than residential, planning authorities should endeavour to make reasonable and logical estimates of anticipated needs and zone sufficient land to meet such needs. In the case of all zoning of land, the location of such lands, particularly in the case of residential, should also take account of the location policies in section 5.3 of the NSS. The demands of individual landowners should not distort the preferred amount and location of lands to be zoned. Regard must also be had to section 10 (8) of the Act, which states that there can be no presumption that any land zoned in a particular development plan will remain so zoned in any future development plan.

### *(b) Policy Context*

4.15 Both the amount of land to be zoned for development and the proposed location of that land will also need to be influenced by other plans and strategies, from national and regional to local levels so that local authorities play their full part in supporting the implementation of those national and regional strategies. Particular regard must be had to the National Spatial Strategy (particularly section 5.3 of the NSS which details the housing development issues), Regional Planning Guidelines and the infrastructure plans and programmes of State and semi-state bodies. In addition, regard must be had to any other relevant guidelines and directives, including those listed in Appendix A.

### *(c) Water, Drainage and Roads Infrastructure*

4.16 When making decisions to zone land, regard must be had to the existing and future availability of, or the capacity to provide, infrastructure. Where services are not available, there should be a reasonable expectation of their being provided in the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure, within the plan period or a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development.

### *(d) Supporting Infrastructure and facilities*

4.17 Consideration must be given to the future availability of, or the capacity to provide, supporting infrastructure, such as community facilities, health-care, schools, public open space, retail and other service provision and public transport when allocating land for development. There should be a reasonable expectation that these can be delivered in the lifespan of the plan. The nature of the proposed land-use and the extent of zoning designation will determine what facilities are necessary, when and to what scale. Also, regard should be had to the outcome of the current review and updating of the 1999 Residential Density Guidelines, wherein there will be a central focus on delivering integrated, quality new developments which facilitate sustainable communities.

### *(e) Physical Suitability*

4.18 The development plan should strive to ensure that the form and location of new development offers the best "value for money" in terms of efficient use of existing infrastructure, while minimising the need for costly new infrastructure. Where land in green-field

locations is to be zoned, account should be taken, in considering the different options available, of the land's capacity for development by way of the most cost effective means of providing the necessary infrastructure. An example in this regard would include lands for housing development giving rise to costs arising from pumping of wastewater where other lands could be developed in the vicinity on a gravity-based drainage system. It is also vitally important to take account of the physical suitability of lands for development, notably lands subject to, or with potential impacts on, flood risks. Further guidance on this issue is contained at Appendix E.

### *(f) Sequential Approach*

4.19 In order to maximise the utility of existing and future infrastructure provision and promote the achievement of sustainability, a logical sequential approach should be taken to the zoning of land for development:

(i) Zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. 'leapfrogging' to more remote areas should be avoided);

(ii) A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and

(iii) Areas to be zoned should be contiguous to existing zoned development lands.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved such as a lake close to a town. Any exceptions must be clearly justified by local circumstances and such justification must be set out in the written statement of the development plan.

### *(g) Heritage Policy*

4.20 Zoning should take account of built and natural heritage designations. See mandatory objectives 3 and 6 below.

## Mandatory objective 2: Infrastructure

4.21 Section 10(2)(b) of the Act requires that a development plan shall include objectives for:

*"the provision, or facilitation of the provision, of infrastructure including transport, energy and communication facilities, water supplies, waste recovery and disposal facilities (regard having been had to the waste management plan for the area made in accordance with the Waste Management Act, 1996), waste water services, and ancillary facilities."*

4.22 Satisfactory infrastructure provision is a key element in facilitating new development. The adequacy of existing provision, maximising the use of existing infrastructure and the need for additional facilities must be taken into account in the preparation of development plans. The nature and extent of new infrastructure required will influence the phasing of development. The planning authority should strive to ensure that provision takes place in advance of or in tandem with new development. With regard to the specific requirements of the Act, the following should be noted:

- **Transport**

The strategy, policies and specific objectives of the development plan should take an integrated approach to land-use and transportation. Transport considerations should inform all aspects of plan making. Transport policies and objectives should be informed by national and regional strategies and guidelines.

Zoning should support the achievement of sustainable travel patterns, reducing reliance on private car usage and promoting public transport, as well as other sustainable modes (cycling, walking). Zoning objectives and other measures, such as the application of maximum parking standards, would also support sustainable modes of transport.

Advantage should be taken of strategic transport nodes and corridors in the formulation of zoning and density policies.

Proposed transportation corridors should be identified and protected.

- **Energy and Communications**

The implications of planning policies and objectives for energy and communications should be given full consideration in the formulation of development plans. This requires that the written statements of plans should support the timely commissioning of energy grids and communications (including mobile telephony) infrastructure. It also means ensuring, through liasing with key infrastructure providers, that the development plan should identify and protect key corridors for infrastructure provision such as electricity lines, gas pipelines or communications ducting. Development standards might also make express reference to provision of underground ducting as part of major new housing or commercial developments to facilitate future provision or enhancement of telecommunications infrastructure without undue future disturbance of roads.

Regard should be had to national and regional strategies and guidelines and to the programmes of infrastructure providers.

The policies and objectives of development plans should also have regard to any relevant guidelines and directives.

- **Water Supply and Waste Management**

Water supply and waste management requirements are dealt with in Appendix D of these guidelines.

## Mandatory objective 3: Environment

4.23 Section 10(2)(c) of the Act provides that a development plan shall include objectives for:

*"the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed for the purposes of this paragraph."*

While objectives under this heading relate to the environment in its widest sense there is a particular focus on archaeological and natural heritage and on European and other prescribed sites. Certain other aspects of environment such as landscape, amenities and architectural heritage are addressed under other sub-sections of section 10 of the Act.

4.24 Pressures on the natural environment are reviewed and reported on by the Environmental Protection Agency (EPA) in their regular evaluations of the overall state of the environment. In the State of the Environment Report (EPA published 2004), five overall environmental priorities were identified by the EPA. The three specific thematic challenges are:

(i) Meeting international commitments on air emissions (greenhouse gases and acidifying gases);
(ii) Eutrophication prevention and control; and
(iii) Waste Management.

The two general challenges are:
(iv) Better integration of environmental and natural resource considerations into the policies, plans and actions of economic sectors; and
(v) Improving enforcement of environmental legislation.

Orderly and sustainable development should take account of these considerations. Accordingly, the conclusions in the EPA State of the Environment Report, and other evidence in relation to environmental quality and trends should inform the drafting of development plans and be reflected, as appropriate, in their objectives and implementation.

## Archaeological Heritage

4.25 In 1999, the former Department of Arts, Heritage, Gaeltacht and the Islands issued "Framework and Principles for the Protection of the Archaeological Heritage". The document sets out national policy and broad principles for the protection of the archaeological heritage. It states that the planning process:

*"is an essential mechanism for ensuring the protection of the archaeological heritage and is indeed, often the primary means of doing so."*

It provides guidance to planning authorities on the relevant sources of archaeological data, the overall approach to be applied to archaeological heritage in the context of development and the protection of archaeological monuments and areas. The principles set out in the document provide a framework for the formulation of appropriate policies for inclusion in development plans.

4.26 It is recommended that the County/City/Towns Development Plan should include a section on the Archaeological Heritage. This section, and appendices as appropriate, should provide or make reference to relevant information about the archaeological heritage of the area covered by the plan and should indicate that it will be an objective of the planning authority to secure the preservation of sites and features of historical and archaeological interest.

In terms of illustrating the archaeological heritage Recorded Monuments should, as far as practicable, be included on the appropriate maps in the development plan.

## General Policies on Archaeology

4.27 The development plan should contain a section which sets out the general policies the planning authority intend to apply taking account of the need:

- To protect and enhance archaeological monuments and their settings and zones of archaeological potential.
- To facilitate appropriate guidance in relation to the protection of the archaeological heritage in the area covered in the Plan.
- To provide guidance to developers and property owners regarding the archaeological implications of a proposed development.
- To promote pre-planning consultations in relation to the archaeological heritage with the planning authority and with the Department of the Environment, Heritage and Local Government in its capacity of being charged with the implementation of the National Monuments Acts.
- To endeavour to ensure the dissemination of the results of archaeological excavation in a timely and appropriate manner.
- To promote public awareness of the rich archaeological heritage in the area.

4.28 The development plan should outline the measures the planning authority proposes to take in cases where a proposed development includes a Recorded Monument or Place within the land-holding, including requirements to commission an archaeological assessment and the basis on which a buffer area, where appropriate, to preserve the setting of the site is to be defined.

The development plan should also make clear that all developments that may have implications for archaeological heritage should be subject to archaeological assessment. Such developments include those located at or close to archaeological monuments or sites, extensive developments in terms of the area covered (ground disturbance of more than $^1/_2$ hectare) or length (1 kilometre or more) and developments requiring an Environmental Impact Statement. The plan should indicate that any development taking place either above or below ground which is within, adjacent to or might affect sites and features of historical and archaeological interest shall respect the character of the archaeological site and its setting and shall be sited and designed with care for the character of the site and setting.

4.29 The Department of the Environment, Heritage and Local Government welcomes further correspondence on archaeological heritage and is available for consultation. For specific queries please contact: Department of the Environment, Heritage and Local Government, Heritage Policy Section, Dún Scéine, Harcourt Lane, Dublin 2.

## Natural Heritage

4.30 Since the publication in April 2002 of the National Biodiversity Plan, it is Government policy to protect, maintain and, where possible, enhance biodiversity - the variety of life on earth - throughout the entire countryside. The Irish landscape of today is the product of intense interaction between human beings and nature over many thousands of years. Such interaction can have positive impacts on biodiversity. It has on occasion led to the creation of new sites and habitats of conservation importance.

Local authorities have a key role to play in regard to preserving the natural heritage of their areas arising from the legal

responsibilities placed on them and from the increasing public awareness of the importance of nature conservation at local level. In doing so they should also avail of opportunities that may arise to create or promote new features of biodiversity in the context of new developments.

4.31 Measures to conserve the natural heritage, and in particular the statutory designation of certain rural areas, are not intended to operate in any way as an inflexible obstacle to development. On the contrary, the principle of sustainable development, which is fundamental to the 2000 Planning Act, should be applied on a basis which supports development that respects our natural heritage.

Consultation at the earliest stage of any proposed development should ensure consensus building between the need to protect the natural heritage and the need to secure economic and social development. To the extent that development plans provide information on the natural heritage and outline the responsibilities associated with its protection and conservation, they are useful tools in this consultation and consensus building process.

## Protected Areas

4.32 A comprehensive network of protected areas has been established in Ireland in recent years. This network is made up of sites of European importance (Special Areas of Conservation and Special Protection Areas) known collectively as European Sites and sites of national importance (Natural Heritage Areas (NHAs)). The three main types of site designations are detailed below.

## Special Areas of Conservation (SACs)

4.33 These are the prime wildlife conservation areas in the country, considered to be important on a European as well as Irish level. The EU Habitats Directive (92/43/EEC) lists certain habitats and species that must be protected. Ireland introduced the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94/1997) to give effect to SACs under Irish Law (see Appendix B). All SACs, whether formally designated or proposed to be designated, should be identified in development plans and supported by

appropriate policies to secure their protection. Any development in or near an SAC should avoid any significant adverse impact on the features for which the site has been designated.

## Special Protection Areas (SPAs)

4.34 These sites are areas of importance for birds (and often are also important for other types of wildlife). The EU Birds Directive (79/409/EEC) requires designation of SPAs for:

- Listed rare and vulnerable species.
- Regularly occurring migratory species.
- Wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

All SPAs whether formally designated or proposed to be designated, should be identified in development plans and supported by appropriate policies to secure their protection. Any development in or near an SPA should avoid any significant adverse impact on the features for which the site has been designated. SPAs were given effect in Irish Law mainly under the Conservation of Wild Birds Regulations 1985 (S.I. 291 of 1985).

## Natural Heritage Areas (NHAs)

4.35 The Wildlife (Amendment) Act 2000 substantially strengthened the protection for wildlife previously available under the Wildlife Act 1976. In particular, the Wildlife (Amendment) Act 2000 provides for the designation and conservation of Natural Heritage Areas (NHAs). NHAs are sites that support elements of our natural heritage which are unique, or of outstanding importance at the national level. All designated NHAs and proposed NHAs should be identified in development plans and supported by appropriate policies to secure their protection. Any development in or near a Natural Heritage Area should avoid any significant adverse impact on the features for which the site has been designated.

## Other Natural Heritage Designations

4.36 In addition to the above Protected Areas, there are many other designations both statutory and non-statutory which are concerned with conservation and protection of the natural heritage,

such as Nature Reserves, National Parks etc. These are listed in detail in Appendix B. Such sites should be identified in development plans.

## Development in or near Heritage Areas

4.37 Planning authorities must ensure that any development proposal which is likely to have a significant effect on a Special Area of Conservation, Natural Heritage Area, Special Protection Area for birds, Nature Reserve or other area designated under statute for the conservation of features of natural or geological interest, or other designated area, is authorised only to the extent that the planning authority is satisfied will not adversely affect the integrity of the area. Such a proposal must be subjected to an appropriate assessment of its implications for the area, if it is clear, on the basis of a preliminary examination, that the project could have a significant effect on the area. All aspects of the proposal which could, in themselves, or in combination with other proposals, affect the area's conservation objectives should be identified.

## Nature Conservation in the wider Countryside

4.38 While protected areas cover a significant part of the country, around 90% of the country lies outside of this network. There are many other sites which are of local importance for flora and fauna. Local authorities have an important role to play in preventing the loss of such sites and the species which rely upon them for their survival. Development plans should identify such sites of local importance and endeavour to secure their protection. Any development on or near such sites should avoid any significant adverse impact on the features for which the site is considered to be of local importance.

Features in the countryside such as hedgerows, ponds and small strands of trees etc. provide important habitats for a variety of species. Hedgerows, for example, have suffered significant losses. The overall goal should be to have no loss of the hedgerow resource. Development plans should look to minimise the loss of such features and provide, where possible, for their replacement.

## Mandatory objective 4: Social, Community and Cultural Considerations.

4.39 Section 10(2)(d) of the Act requires that a development plan shall include objectives for:

*"the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population."*

This objective allows for linkage to be made between the development plan of the local authority and the current CDB strategy. As stated in chapter 2, a primary function of the strategies is to bring the socio-economic and physical planning processes closer together. The land-use policies of the development plan must be informed by and reflect the socio-economic and cultural considerations of the strategies. Economic and social considerations are clearly central to proper planning and sustainable development and must underpin the strategy, policies and specific objectives of the plan. However, in this context, the underlying approach should be that the development plan should take account of those matters which are particularly relevant to land-use.

## Mandatory objective 5: Preservation of Landscape Character

4.40 Section 10(2)(e) of the Act requires that a development plan shall include objectives for:

*"the preservation of the character of the landscape where, and to the extent that, in the opinion of the planning authority, the proper planning and sustainable development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest."*

4.41 The preservation of the character of the landscape can be secured in various ways, including:

(i) Zoning designations as set out in the development plan;
(ii) Amenity designations as set out in Part XIII of the Act; and
(iii) Other statutory and non-statutory designations including EU and international designations.

In June 2000, draft Landscape Guidelines were issued by the Department for consultation. These draft guidelines set out a methodology to assist planning authorities in identifying landscape character areas, identifying values associated with such areas and determining their sensitivity to change. The broad policy approaches set out in the draft guidelines are considered to represent a sound basis for dealing with issues relating to landscape protection in development plans. However, while recognising that a number of local authorities have carried out detailed landscape character assessments, it has been decided that the approach set out in the draft guidelines requiring each planning authority to carry out a highly detailed character assessment, to classify what can often be a large number of different types of landscape and to develop detailed policies for each type of area, is not necessarily the most appropriate or practical approach to take. Before the Guidelines are finalised in statutory form, the Department intends therefore to review the approach set out in the guidelines, to evaluate experience with the draft guidelines to date, and to consider all of the alternative approaches that might be taken, (including the undertaking of a natural landscape character assessment) having regard, in particular, to all of the current legislative provisions and policy documents relevant to the issue of landscape protection.

## Zoning Designations

4.42 Planning authorities can use zoning designations in the development plan as a means of protecting scenic landscapes, amenities and areas of ecological value. Areas so designated are commonly known as 'Areas of High Amenity' or 'Areas of High Scenic Quality'. Within such areas, landscape character is preserved, generally through the application of development management policies, supported in some cases by positive measures to upgrade particular locations or features. Prior to the inclusion of those zones in a development plan, planning authorities should carry out an assessment of the landscape character of the area.

## Amenity Designation in Part XIII of the Act

4.43 Part XIII makes provision for local authorities to designate:

i Areas of Special Amenity (Section 202); and
ii Landscape Conservation Areas (Section 204).

4.44 Areas of Special Amenity relate to areas of outstanding natural beauty or special recreational value and are thus not confined solely to preservation of landscape character. Landscape Conservation Areas may be designated

for the purposes of preservation of the landscape, whether natural or designed. Both of the above designations are subject to a requirement for public consultation. Areas of Special Amenity must be confirmed by An Bord Pleanála. Separate procedures to the development plan adoption process are involved in the designation of these areas. However, designations that are either proposed or confirmed should be included in development plans. Their protection will be achieved by managing the development process, and on occasion by controls over development proposals that would have significant adverse impacts.

## Other Designations

4.45 There are a large number of other designations, both statutory and non-statutory, which protect the character of the landscape. The main designations of relevance to the planning process are set out in Appendix B. While a number of these have as their primary focus the protection of flora, fauna or habitat, they also act to protect the landscape. They originate with agencies other than the local authority and some have EU or other international agency foundations. An example in this regard would be a World Heritage Site recognised by UNESCO. The planning system, through the application of appropriate policies, has a key role to play in their implementation. They should therefore be included in development plans and appropriate policies formulated for their protection.

In addition to the above, the objective also refers to the preservation of views and prospects and the amenities of places and features of natural beauty or interest. The role of the development plan in this regard is to identify these and include appropriate policies for their protection.

## Mandatory Objective 6: Protection of Structures and Preservation of the Character of Architectural Conservation Areas

4.46 Section10 (2)(f) of the Act provides that a development plan shall include objectives for:

*"the protection of structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest".*

Section 10(2)(g) of the Act provides that a development plan shall include objectives for:

*"the preservation of the character of architectural conservation areas."*

4.47 Part IV of the Act, *Architectural Heritage,* subsumes and re-states many of the provisions of the Local Government (Planning and Development) Act 1999.

The *Architectural Heritage Protection Guidelines* (2004) give guidance to planning authorities on the application of Part IV of the Act and deal with protected structures and Architectural Conservation Areas in considerable detail.

Section 51 of the Act specifies that, for the purpose of protecting structures or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, every development plan shall include a Record of Protected Structures.

4.48 The designation of Architectural Conservation Areas is also provided for under the Act. Section 81 of the Act sets out that a development plan shall include an objective to preserve the character of a place, area, group of structures or townscape, taking account of building lines and heights, that

(a) is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value, or

(b) contributes to the appreciation of protected structures

## Overview of approach to protection of architectural heritage

4.49 It is recommended that the draft development plan should include a chapter or section specifically dealing with the protection of the architectural heritage within the planning authority's area.

The starting point should be the architectural heritage protection policies contained in the existing development plan. This should be augmented, where possible, by the *National Inventory of Architectural Heritage* (NIAH), being published by the Department on a phased basis and available at www.buildingsofireland.ie and the Minister's recommendations derived from the NIAH under section 53 of the 2000 Act on inclusions in the planning authority's record of protected structures. The Architectural Heritage Protection Guidelines identify further potential sources of information. Drawing on all of these, the overall strategic approach to architectural heritage protection, the objectives within that approach and the more detailed policies to achieve those objectives should incorporate the following elements:

- A statement setting out the planning authority's overall commitment to identifying and protecting the architectural heritage, including the approach to the management of any change to that heritage in such a way as to retain its character and special interest.

- Policies on how the planning authority will approach the issue of protecting the architectural heritage, including the identification of structures of architectural interest, incorporating these in the Record of Protected Structures and setting out the steps necessary to ensure the protection of those structures.

- Objectives relating to reviewing the architectural content of urban and rural areas, with a view to identifying all structures of architectural heritage merit.

- Objectives to support the protection of structures in the Record of Protected Structures, through, inter alia, providing advice to owners of protected structures, promoting high conservation standards, issuing declarations on types of works that would or would not materially affect the character of the architectural heritage and raising awareness generally of the value of protected structures.

## Architectural Conservation Areas

4.50 In applying the provisions of Section 81 of the 2000 Act, the main elements to be considered for incorporation in the development plan are:

- An overview statement indicating that it is the policy of the planning authority to protect the built heritage within an area or in the settings of protected structures, through the designation of appropriate Architectural Conservation Areas.

- A commitment to taking such steps as are necessary to ensure the preservation of the special character of such areas.

- An indication that consideration will be given to drafting and adopting Areas of Special Planning Control for specific parts of Architectural Conservation Areas.

- Promotion of local initiatives to underpin the preservation of the special character of such areas.

## Architectural Heritage Appendices to the Draft Plan

4.51 It is recommended that the Record of Protected Structures and list of Architectural Conservation Areas (ACAs) should be specifically titled as such and included in an Appendix to the plan. Where possible protected structures and ACAs should be shown on development plan maps at a sufficient scale to clearly identify the extent of the protected structure or Architectural Conservation Area. If technical difficulties do not allow for this, it is recommended that a clear indication be given on how access can be gained to the necessary information.

## Mandatory objective 7: Regeneration

4.52 Section 10(3)(h) of the Act requires that a development plan shall include objectives for:

*"the development and renewal of areas in need of regeneration."*

This objective relates to the need to bring redundant, under-utilised and derelict land and buildings back into active use. It accords

with the principles of sustainable development by reducing the need for green-field development, supporting the urban fabric and re-using existing resources.

4.53 The need for regeneration is inherent in the proper planning and sustainable development of not only areas of cities and large towns but also smaller towns and villages in rural areas which have suffered the impact of population decline, lack of investment and physical dereliction. Development plan policies for the achievement of regeneration should have as key elements:

- Integrated land-use and socio-economic measures to address the physical, economic, social and environmental problems associated with dereliction and decay;

- Measures to overcome substantive barriers to development such as new infrastructure provision, environmental enhancement and site assembly;

- The promotion of a multi-sector partnership approach involving the planning authority, other public agencies and business and community interests;

- Sufficient flexibility in the application of zoning and development management policies and standards to ensure that development plans actively promote rather than inhibit regeneration, while having due regard to the need to protect structures and areas of architectural merit, including through the identification of appropriate new uses for such buildings and in ACAs; and

- Guidance on remediation of any contaminated lands.

4.54 In certain areas, specific measures to promote regeneration are required. Integrated Area Plans and Town Renewal Plans prepared under the Urban Renewal Scheme 1998 and the Town Renewal Scheme 2000 respectively and the Urban and Village Renewal Programme 2000-2006 provide important mechanisms for the formulation of suitable regeneration policies and specific

objectives for inclusion in development plans. These were introduced to promote physical renewal and revitalisation, enhancement of amenities and promotion of sustainable development. Designated areas and environmental enhancement projects approved under these plans/programmes should be referenced in development plans.

4.55 Within its housing strategy and retail strategy, it is recommended that the planning authority should adopt policies of promoting the re-utilisation of suitable redundant or obsolete structures, and in appropriate cases, the use of protected structures, for housing, retail or other purposes. Policies aimed at promoting proper conservation standards in adaptive design and best practice conservation skills in all renovation work to buildings which are re-utilised for housing or retail are also recommended; detailed advice is provided in the *Architectural Heritage Protection Guidelines.*

## Mandatory objective 8: Traveller Accommodation

4.56 Section 10(2)(i) of the Act requires that a development plan shall include objectives for:

*"The provision of accommodation for travellers, and the use of particular areas for that purpose."*

The Housing (Traveller Accommodation) Act 1998 provides the legislative framework within which the accommodation needs of travellers will be met. The Act requires relevant local authorities (County and City Councils, Borough Councils and Bray and Dundalk Town Councils) to prepare and adopt five-year programmes to meet the existing and projected accommodation needs of travellers in their areas. Accommodation to be provided will range from standard local authority or voluntary housing, group housing, permanent residential caravan parks and sites with limited facilities. The land-use aspects of adopted programmes should be reflected in the development plan. This should take the form of objectives that clearly set out the approach of the development plan in addressing the accommodation needs of the traveller community and an indication of the specific locations of known traveller accommodation projects. To support the identification of additional locations for such projects, zoning

policies should also be drawn up in a flexible manner to reflect the urgent need to secure additional traveller accommodation over the lifetime of the plan. Planning authorities should also have regard to the Guidelines for Residential Caravan Parks for Travellers, Guidelines for Traveller Accommodation: Basic Services and Facilities for Caravans pending the provision of Permanent Accommodation, Guidelines for Accommodating Transient Traveller Families and Guidelines for Group Housing for Travellers issued by the Department in 1997, 1998, 2000 and 2002 respectively.

## Mandatory objective 9: Amenities

4.57 Section 10(2)(j) of the Act provides that a development plan shall include objectives for:

*"the preservation, improvement and extension of amenities and recreational amenities."*

Part XIII of the Act deals with amenities and makes provision, inter alia, for:

i. Areas of Special Amenity;
ii. Landscape Conservation Areas;
iii. Tree Preservation Orders; and
iv. Public Rights of Way.

4.58 Part IV of the First Schedule to the Act also refers to amenities and includes provision for landscape protection; preservation of public rights of way; provision of public open space; provision of recreation space, including space/places for children to play; and, control of roadside advertisement structures.

4.59 The role of Areas of Special Amenity, Landscape Conservation Areas, Tree Preservation Orders (TPOs) and landscape protection have been summarised in Appendix B. They are also inherent to Section 10(2)(e) of the 2000 Act which addresses the preservation of landscape character.

4.60 Public rights of way may be created by agreement with any person having the necessary power to dedicate such a right over

land (section 206 refers). If it appears to the planning authority that there is need for a public right of way over any land, the planning authority may, by resolution, make an order creating such a right of way (section 207 refers). These procedures are independent of the development plan process. However, where a planning authority proposes to include, for the first time, a provision in a development plan relating to the preservation of a specific public right of way, section 14 sets out the procedure which must be followed.

It should be noted in particular that where notice of such an intention is served on any owner and occupier of the land over which the right of way exists, that person may appeal to the Circuit Court if the planning authority includes a disputed right of way in the development plan. The Court, if satisfied that no public right of way exists, shall so declare and the provision shall accordingly not be included in the plan. The inclusion of a public right of way in a development plan shall be evidence of the existence of such a right of way unless the contrary is shown, but nothing in section 14 affects the existence or validity of any public right of way which is not included in the development plan. It is recommended that only public rights of way whose existence is well established and, where possible, documented should be included in the plan and shown on maps.

The requirements of the planning authority for public open space and recreation space provision in connection with development proposals, particularly residential development, should be set out in the development plan. The planning authority's own specific objectives in this regard should also be indicated. Policies for the control of advertisement structures, both generally and along roads, should be set out in the plan.

## Mandatory objective 10: Major Accidents Directive

4.61 Section 10(2)(k) of the Act requires that a development plan shall include objectives for:

*"the control, having regard to the provisions of the Major Accidents Directive and any regulations, under any enactment, giving effect to that Directive, of*

*i siting of new establishments*
*ii modification of existing establishments, and*
*iii development in the vicinity of such establishments,*

*for the purposes of reducing the risk, or limiting the consequences, of a major accident."*

4.62 This objective relates to EU Council Directive 96/82/EC (known as the Seveso II Directive), which is aimed at the prevention of major accidents which involve dangerous substances and the limitation of their consequences for man and the environment. It applies to establishments where dangerous substances are produced, used, handled or stored. Annex 1 of the Directive identifies the substances concerned and quantities involved.

4.63.1 Article 12(1) of the Directive obliges Member States to ensure that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in their land-use and/or other relevant policies. These objectives must be pursued through controls on:

(a) the siting of new establishments;
(b) modifications to existing establishments; and
(c) new developments (See the full text of the Directive).

Article 12(1) goes on to oblige Member States to ensure that their land-use and/or other relevant policies, and the procedures for implementing those policies, take account of the need, in the long-term, to maintain appropriate distances between establishments covered by the Directive and residential areas, areas of public use and areas of particular natural sensitivity or interest.

Article 12(2) of the Directive further requires that appropriate consultation procedures be put in place to facilitate implementation of the policies established under Article 12(1) and that these procedures be designed to ensure that technical advice on the risks

arising from an establishment is available, either on a case-by-case or a generic basis, when decisions are taken.

4.64 The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations (S.I. No 476 of 2000) are the main regulations which give effect to the Directive in Irish law. The National Authority for Occupational Safety and Health (also known as the Health and Safety Authority (HSA)) has been designated as the central competent authority for enforcement of these regulations. Summary guidelines on the Regulations have been prepared by the HSA and are available on its website at www.hsa.ie.

4.65 Insofar as the Directive's requirements in relation to land use policies are concerned, these have been transposed through section 10(2)(k) of the Planning and Development Act 2000. The procedures for implementing those policies are set out in Part 11 and Schedule 8 of the Planning and Development Regulations 2001. These provisions set the parameters governing the seeking of technical advice by planning authorities from the HSA. The Department's Circular Letter PD4/2002 of March 2002 issued guidance to planning authorities in relation to Part 11 of the 2001 Regulations. The seeking of advice will arise in the case of planning applications relating both to establishments and to developments in the vicinity of such establishments.

4.66 A guidance document entitled *"Guidance on Land Use Planning as required by Council Directive 96/82/EC (Seveso II) (EUR 18695 EN)*, produced in 1999 by the Joint Research Centre of the European Commission, describes different approaches to the issues involved but does not prescribe a particular methodology. The guidance booklet recognises that consideration of major accident implications is only one input to the process of land-use planning controls and policies. It states that consideration of establishments covered by the Seveso Directive should be integrated into land-use planning policies and controls which may also need to take account of many other factors.

4.67 In the context of the requirement to include objectives for the purpose of preventing and limiting the consequences of a major

accident, development plans should indicate the location and nature of establishments within the area covered by the plan. Zoning objectives relating to land in the vicinity of such establishments should take account of the need, in the long term, to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest. The HSA is a prescribed authority for the purposes of Sections 11, 12 and 13 of the Act. Planning authorities should pay particular attention to any technical advice supplied by the HSA, either on foot of consultation or otherwise under Article 29 of S.I. No. 476 of 2000. Where a planning authority does not have a Seveso establishment within its jurisdiction at the time of preparation of a development plan, it is recommended that a policy statement with respect to the requirements of Article 12 of the Seveso Directive should nevertheless be included in the plan.

The local authority will be responsible for the preparation of external emergency plans in relation to those establishments identified as "upper tier sites" under the terms of the Directive. It is important that internal mechanisms are established within the local authority with a view to facilitating good co-operation between the land-use planning and emergency planning sections of the each authority.

## Mandatory objective 11: Community services

4.68 Section 10(2)(l) of the Act requires that a development plan shall include objectives for:

*"the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities."*

The term 'community services' potentially covers a very broad range of infrastructure and service provision to meet the needs of residents in the planning authority's area. The emphasis in the Act is on childcare and educational facilities and includes services such as pre-schools, naíonraí (Irish language playgroups), day-care services, crèches, playgroups, childminding, after-school groups and primary, secondary and special needs schools. It is important that planning authorities consult widely and

appropriately in relation to the provision of these services. In this context, consultation with the County/City Development Boards will be particularly relevant in view of their remit and also as key agencies such as the Department of Education and Science, County/City Childcare Committees and the Department of Social and Family Affairs are represented on the Boards.

With regard to school provision, development plans must facilitate the provision of sufficient land to meet the need for new schools or expansion of existing schools in accordance with the requirements of the community and of the relevant education authorities. The latter authorities should be made aware of settlement strategy proposals to be included in development plans at an early stage in the preparation process to ensure that needs can be fully evaluated and responded to.

Attention is drawn to Appendix F, which sets out the current guidelines used by the Department of Education and Science in relation to school accommodation. Planning authorities are advised to consult directly with that Department in relation to guidelines and/or their website at www.education.ie.

4.69 Other community facilities that would be subject to Section 10 (2)(1) include places of worship, burial grounds, hospital and health centres, facilities for the elderly and persons with disabilities, facilities for children's play including, playgrounds, skateboard parks and other facilities, libraries, shops, banks and community halls. This list is not exhaustive and planning authorities must respond to the circumstances of their own local communities when formulating development plans. Generally, appropriate policies and objectives for inclusion in plans will relate to allocation and reservation of land, setting appropriate development control standards and indicating provision of specific facilities.

## Mandatory objective 12: Gaeltacht Areas

4.70 Section 10(2)(m) of the Act requires that a development plan shall include objectives for:

*"the protection of the linguistic and cultural heritage of the Gaeltacht including the promotion of Irish as the community language, where there is a Gaeltacht area in the area of the development plan."*

Gaeltacht areas form a unique part of the Irish cultural and linguistic heritage. Development plans have a role to play in their protection and development. Policies to be considered for inclusion in a plan should ensure that:

(i) Development proposals in Gaeltacht areas have a positive impact on the linguistic and cultural heritage - some forms or scales of development may have to be discouraged;

(ii) The needs of the community in land-use terms for housing, jobs, recreational and community facilities are clearly identified and provided for. Housing strategies should have particular regard to the needs of Gaeltacht residents;

(iii) Linguistic and cultural tourism projects and associated commercial schemes are positively promoted and facilitated. Zoning and development control policies and standards should be applied in a flexible manner to ensure that plans do not inhibit suitable schemes; and

(iv) The use of the Irish language is promoted in the design of developments e.g. business advertising, recreational and community facilities are clearly identified and provided and shop-front signage should be in the Irish language.

Further considerations in respect of Gaeltacht Areas are set out in Appendix C.

# 5. PROCESS AND PRESENTATION

## Building consensus:

### (a) Role of the elected members

5.1 The adoption of a development plan is one of the most important functions reserved to the elected members, and the 2000 Act has further enhanced their pro-active role at the formative stages of the plan preparation/review process. It goes without saying that the members should be fully involved from the start of the process. This can be supported by the preparation of "Working Papers" on key issues (such as settlement strategy) for the relevant Strategic Policy Committee(s). These papers can then form the basis of a single "Issues and Options" paper which launches the formal public consultation phase (see paragraph 5.2). Ongoing liaison and briefing will be necessary at key stages in the process in order to support the central policy-making role of the elected members; plan documentation should be supplied in a timely manner and in a user-friendly format.

5.2 Councils should also actively involve citizens in the whole process of making the plan, especially those who may not normally contribute or engage in the process. Councils should consider innovative methods to encourage as wide a public consultation as possible. It is vital that, from an early stage, as much public and political consensus is built around the strategic direction the new plan is to take. Without a strong central strategy, it will be difficult to devise a coherent set of detailed policies and objectives. The preliminary "Issues and Options Paper" is an ideal mechanism for focusing attention on strategic issues at a formative stage in the review process.

Making Development Plans and the New Irish
Ireland has experienced significant immigration over the past decade and will experience significant further immigration into the future. Many cities and towns across Ireland now contain significant migrant communities. The process of consultation and engagement with local communities in the preparation of a development plan should, at an early stage, identify any special arrangements necessary to facilitate interaction with migrant communities including:

- Identification of immigrant community organisations from for example, the list of contacts in the register of the Immigrant Council of Ireland (www.immigrantcouncil.ie);
- Assessment of any special needs regarding translation of issues papers;
- Holding special information evenings using interpreters.

## (b) Consultation with the public and with relevant government Departments and agencies

5.3 The Act gives considerable discretion to planning authorities in selecting the type of public consultation most appropriate to the circumstances of their area. The elected members should be involved in devising and implementing the consultation process, not least at Area Committee level. The draft plan should make it clear that local area plans, architectural conservation area plans etc. will be prepared for particular areas at a later stage, and that this will provide further opportunities for consultation on local issues. It would be helpful if development plans included a statement of community and stakeholder involvement in the preparation of the plan. This would acknowledge the consultation steps undertaken and promote greater ownership of the plan's objectives and strategies.

It is also important that draft development plan policies and objectives should take account of policies and programmes, including investment programmes, of Government Departments and agencies, insofar as these may be relevant to the area covered

by the plan. To this end planning authorities should be familiar with national policy documents and published programmes which may have an impact on the area and that, where necessary, direct consultation takes places with the relevant national organisation at an early stage in the process. For example, relevant transport elements of the development plan should be prepared in consultation with, and with an opportunity to comment by the Department of Transport, the National Roads Authority and public transport providers. Similarly, planning authorities should strive for the maximum degree of co-ordination with the Department of Education and Science in relation to school provision before land is zoned or re-zoned for substantive residential development.

## Process management:

### (a) The Forward Planning function

5.4 Effectively the development plan making and review process is now continuous. While the formal review process is concentrated in years 4 – 6, much preparatory work has to be completed before then. Once the plan has been adopted, monitoring and evaluation commences, including preparation of the Manager's Report to the Council at the end of year 2 (see chapter 6). The level of data collection and analysis throughout the 6-year process requires the presence of a permanent Forward Planning function within planning authorities, which can be augmented as necessary during the review stage, with public consultation stages being particularly resource intensive.

### (b) Plan preparation

5.5 The Act provides that within four years of making a development plan, a planning authority must give notice of its intention to review that plan and prepare a new plan. The timeframe for completion of the process is now fixed by legislation, with the provision for granting an extension of time by the Minister now removed. The Act requires that a development plan be made within 99 weeks of commencement of the review process. The making of a development plan is a reserved function of the elected members. However, where the process is not completed within two years from the date of commencement, the Act stipulates that

the manager shall make the plan, subject to a provision that those parts of the plan already agreed by the members should be included as part of the plan made by the manager. The Act states that the new plan comes into effect four weeks from the day that it is made.

## Plan Preparation: A Step-by-Step Guide

5.6 The detailed timetable set down in the Act by which each step in the process must be completed is intended to ensure that plans are kept up-to-date and reviewed on a regular basis. Because this timetable cannot be extended, it is essential that planning authorities give adequate priority to plan preparation, allocate sufficient resources to the process and apply the principles of effective project management.

Sections 11 and 12 of Part II of the Act set out in detail the steps to be taken by a planning authority in the preparation of a draft development plan and the making of the final plan. Guidance notes have been issued to planning authorities that explain the above requirements on a section by section basis. The step-by-step requirements under the Act can be grouped into three main stages, as follows:

- ***Stage 1 - Pre-Draft*** including specific provisions *inter alia* for:

  - An initial notification to the public indicating that the existing plan is to be reviewed and a new plan prepared;

  - Additional public consultation activities;

  - Preparation of a report by the manager outlining the manager's opinion on the issues raised in public consultation and including recommendations on policies to be included in the development plan;

  - The making of directions to the manager by the members of the planning authority regarding the preparation of the development plan; and

- Preparation of environmental report (SEA) in consultation with designated environmental authorities.

Notwithstanding the provisions of the legislation, as the Act requires the above steps to be commenced not later than 4 years after the making of the existing development plan, it is to be expected that, through for example the Strategic Policy Committee dealing with planning and development, the members of the planning authority and its officials, would be working together on an ongoing basis, monitoring progress in implementing the development plan and identifying likely issues to be examined in more detail upon the commencement of the review process. It is therefore strongly recommended that planning authority officials work with the members to prepare adequately for the initiation of the development plan review process so that for example, the officials can input the members' views into the preparation of the recommended Issues Papers that should accompany the initial notification above.

It is recommended that the following stages be completed to inform the pre-draft consultation process:

- Survey and analysis,
- Identification of issues,
- Preliminary identification of options and
- Preliminary scoping of the environmental report.

However, none of this preparatory work should be carried to such a level as to prejudice (or appear to prejudice) the initial consultation phase; strategic options must remain open.

## Issues and Options Papers

5.7 While section 11(2)(c) of the Act does not specifically require the preparation of background papers at the pre-draft stage, the compilation of a single, over-arching and concise "Issues Paper" to accompany the initial notification that a new development plan is to be prepared, is strongly recommended at that stage as a means of presenting key information on strategic planning and heritage issues and inviting public submissions on differing policy approaches.

The Paper published by Fingal County Council at the start of the process of preparing its development plan for 2005 to 2011 offers an excellent model of how such a paper could be framed. The Fingal paper "Your Fingal, a Guide to Having Your Say in the Fingal Development Plan 2005-2011 (www.fingalcoco.ie), presented the relevant issues in plain, jargon-free and easily understood language, under a series of topic headings (population and future housing trends, community development, transportation, rural areas, infrastructure, built and natural heritage, enterprise and employment, recreation, leisure and tourism, future development of towns district and local centres). The following are examples of the questions posed in relation to these topics:

- How will we cater for all the different housing needs in this county?
- Where should social and affordable housing be provided?
- How can we encourage better use of public transport?
- How should we respond to development pressures on our high amenity areas?
- How best can childcare facilities be provided for in residential areas?
- What types of community facilities should be provided for in residential areas?
- How should we support the best range of employment opportunities for local people?
- How can we make our town centres more attractive for shopping, leisure and residential activities?
- How can the development plan support farming and rural enterprises?

It is important that consultation at the pre-draft stage should focus on "the big picture". The structure of the plan review process is such that there is a progression from broad strategy to greater detail, reflecting the structure of the plan itself. For this reason,

submissions at this stage relating to re-zoning of particular parcels of land should be discouraged, until the overall amount of new zonings needed can be estimated (see chapter 4 regarding zoning methodology).

5.8 The time period from formal initiation of the review to submission of the first Manager's Report to elected members is 16 weeks. In addition to evaluating and reporting on the consultation response and issues raised, the report must make recommendations on policies to be included in the draft development plan. Sufficient time may not therefore be available for the survey/analysis and issues identification stages to commence and be completed during this period. Consequently, the bulk of work should be carried out in advance, so that the focus can be on the public consultation phase and allow for proper evaluation of the issues raised. It is equally important that the consultation process itself be fully informed by the availability of soundly based data on issues and options.

- ***Stage 2 - Preparation of Draft Plan*** including provisions *inter alia f*or:

  - Submission, by the manager, of a draft development plan to the members for their consideration;

  - Consideration by the members of the draft plan submitted by the manager, including the making of amendments by the members to the initial draft submitted by the manager, and

  - Sending notice and a copy of the draft plan to specified bodies and public display of the draft plan and environmental report and invitation of submissions.

- ***Stage 3 - Making of Development Plan*** including provisions *inter alia* for:

  - The preparation by the manager of a report on and including responses to, submissions received;

  - Consideration by members of the draft plan and the manager's report;

- Making the development plan by accepting or amending the draft, except where amendments represent a material alteration of the draft plan and in these cases putting such material amendments on public display including amending the environmental report if necessary;

- Invitation of submissions on the material alterations;

- Preparation, by the manager, of a report on the submissions received on the material alterations including the responses to the issues raised;

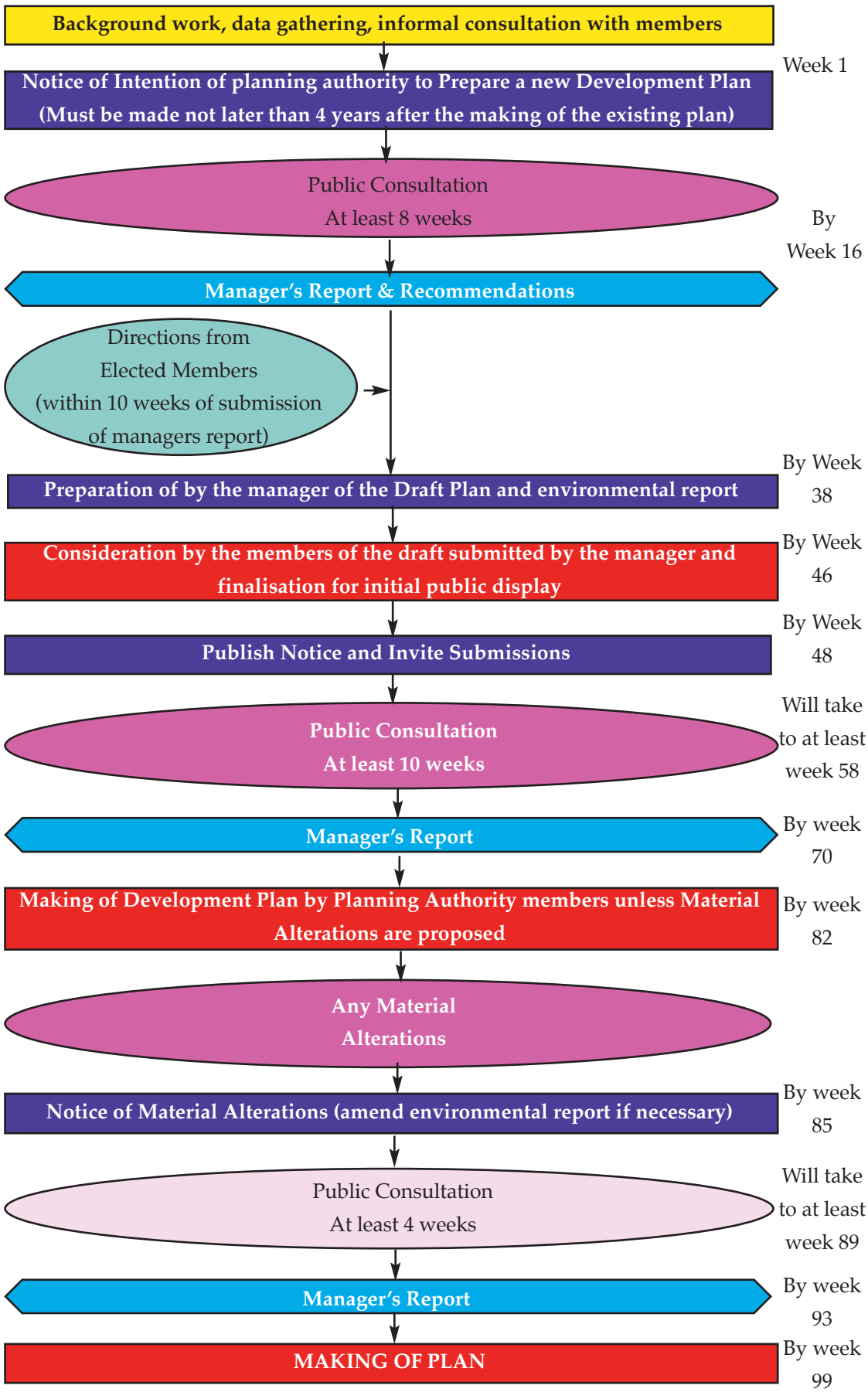
- Consideration of the amendment and the managers report on any submissions to the amendment by the elected members and

- Members making the plan, with or without the proposed amendment, except where they decide to accept the amendment but modify it.

The Act emphasises that in making the development plan, the members of the planning authority must be directed by considerations relating to the proper planning and sustainable development of the area to which the development plan relates, statutory obligations and the policies and objectives of the Government and or any Minister of the Government.

It is also important to ensure that any material alterations to objectives being considered by the planning authority in the process of finalising the plan are consistent with the overall objectives and policy framework of the plan.

Overall, the review process must be completed within 99 weeks from the start of the process. Key deadlines set out in the Act are outlined across.


Background work, data gathering, informal consultation with members
Week 1
Notice of Intention of planning authority to Prepare a new Development Plan (Must be made not later than 4 years after the making of the existing plan)
Public Consultation At least 8 weeks
By Week 16
Manager's Report & Recommendations
Directions from Elected Members (within 10 weeks of submission of managers report)
Preparation of by the manager of the Draft Plan and environmental report
By Week 38
Consideration by the members of the draft submitted by the manager and finalisation for initial public display
By Week 46
Publish Notice and Invite Submissions
By Week 48
Public Consultation At least 10 weeks
Will take to at least week 58
Manager's Report
By week 70
Making of Development Plan by Planning Authority members unless Material Alterations are proposed
By week 82
Any Material Alterations
Notice of Material Alterations (amend environmental report if necessary)
By week 85
Public Consultation At least 4 weeks
Will take to at least week 89
Manager's Report
By week 93
MAKING OF PLAN
By week 99

## The need for project management

5.9 The preparation or review of a development plan over a two-year period is a complex process. The process involves survey work and analysis, co-ordination of a range of inputs from within the planning authority and from external agencies. Constant interaction with the elected members is required throughout the process, together with widespread public consultation. The process also requires preparation of the draft text and maps and an environmental report under the SEA Directive, processing of submissions after the public display and the preparation of the manager's responses, and finalisation of the adopted plan. All of these tasks must be accomplished within statutory timeframes. It makes sense, therefore, to treat the overall process as a project that requires good management.

5.10 A project manager – who in normal practice will be the Director of Services or the Senior Planner – should be nominated to create and lead the development plan team. The project manager should have sufficient status within the local authority to allocate the necessary staff and other resources, to report to the elected members and to the management team, and to liaise effectively with other sections of the Council and with external agencies.

5.11 One of the first tasks of the project manager will be to assess the scope of the review – has the current plan performed well? Does it need updating, or is a more fundamental review required? Having determined the scope, and thus the resources needed, it should be possible to work out a broad timetable for the entire review process in order to meet the statutory deadlines. The overall timetable can then be sub-divided into a series of discrete tasks (data collection and analysis, public and external agency consultation, preparation of the draft text and maps, and so on), each with their own timeframes. Tools such as critical path analysis or project management software, may prove useful in ensuring that vital milestones are achieved. Regular team meetings are essential to review progress, exchange ideas and information, and respond to changing circumstances. Good liaison with other local authority staff, especially those involved in development control,

is essential if the new plan is to reflect on-the-ground experience and achieve a sense of corporate "ownership."

## Data Collection and Review

5.12 While the data collection and analysis stage of plan preparation has no legal status in terms of the provisions of the Act, it is an essential element in the production of a soundly based development plan. Every effort should be made to ensure that the contents of the plan are clearly founded on the survey data and analysis. This is an intrinsic part of the planning process, and ideally should be carried out on a continuous basis, so that changing trends in the socio-economic and physical environment can be readily identified and monitored. This stage should commence well in advance of the statutory plan preparation process (i.e. at least twelve months – or longer, if extensive survey work and information gathering is required).

5.13 The resource implications should be carefully examined in advance of the process, both in terms of staff time and budget. Data collection can be particularly demanding in this regard, and again the principles of good project management must be applied. Strict adherence is required to the timetable set out in the Act. Meeting the necessary targets will require careful management of the tasks involved.

5.14 Baseline data collection should be confined to the requirements of the development plan and should focus on the mandatory and discretionary objectives set down in the Act and on the preparation of the environmental report. Prior to commencement it will be necessary to determine what information is required, what is available, how up-to-date it is, and what further work is required. While collection of new information may prove necessary, extensive existing data will be available from:

i Other departments of the local authority, neighbouring authorities, regional authorities;

ii Government Departments, State and Semi-State bodies, including the Central Statistics Office; designated environmental authorities (SEA Directive);

iii Business organisations, Chambers of Commerce; and

iv Community based organisations, partnerships, local groups/associations.

The use of consultants may be appropriate where specialist skills or additional resources, not readily available internally are considered necessary. This is most relevant where specialist skills are required e.g. in the collection and analysis of retail data and formulation of retail strategy. The availability of data is frequently an issue in development plan preparation. It will be important to carefully weigh up and achieve a good balance between the availability of data, time and costs involved in obtaining data and the usefulness of data, in deciding overall priorities in gathering relevant information.

## Presentation

### *(a) Text*

5.15 The function of the written statement is to state policies and objectives clearly and provide supporting information and explanation. The material should be presented in a coherent, well structured manner and written in a simple, jargon-free style. In a user-friendly plan it will be easy for readers to grasp the meaning and content quickly and find the relevant parts without difficulty. The written statement should include a comprehensive index and glossary of any legal and technical terms used. The contents section should provide details of topics covered. A short list of chapter headings, while useful in providing a general overview, is not sufficient in this regard.

5.16 There is increasing scope to achieve high quality presentation of the text without major costs. Modern word-processing and desk-top publishing techniques allow for the production of attractively laid out documents. Variety in typeface, font size and colour can be used to differentiate between policies and supporting material. The use of two column text can be advantageous in providing a more visually attractive document and enabling photographs and graphics to be readily inserted.

Generally, the text should be presented in A4 format for convenience and ease of use. As a courtesy, planning authorities should make hard copies of the development plan available at a reasonable cost to groups and individuals who made a significant contribution to the preparation of the plan.

### *(b) Graphics*

5.17 Graphics are best used to support and explain points made in the text. However, they can also be valuable for their own sake in providing visual variety and interest. They should be of good quality and generally in colour. The extensive use of tables of figures should be avoided in the written statement, being more appropriate to background topic papers and survey reports. Graphs and charts provide a clear means of displaying quantitative data and trends. Again, clarity and simplicity are the key points. Relevant photographs should be used throughout the written statement but should not overwhelm the purpose of the plan. They can provide a visual context to support policies and provide highlights in the text.

### *(c) Maps/Plans*

5.18 High quality maps are a vital component of the development plan. Users of the plan will generally focus their initial attention on the maps for information on the impact and extent of zoning and specific objectives. Maps must be at a scale which allows for a clear and easy understanding of their content. A scale in the range 1:5,000 – 1:10,000 is generally suitable for urban areas. In rural areas a range of scales will be appropriate, depending on the context. For zoning maps precision is vital and both scale and presentation must be designed to ensure clarity. All maps should be oriented with north towards the top of the page and with the point north clearly shown. The zoning map(s) should illustrate relevant policies and specific objectives, defining sites for particular developments, land-uses and areas to which specific development control policies will be applied. They should be up-to-date, clear and make appropriate use of colour.

5.19 For convenience maps should be folded into the written statement or placed in wallets attached thereto. Where the number and size of maps prohibits this, they should be contained in a

separate, bound volume. All maps should contain a simple, clear key with a common format/layout. The key should indicate the map content and should be cross-referenced to the policies and objectives of the written statement. Scales and north points must be clearly indicated. Maps should be listed in the contents page of the written statement.

## The role of Information Technology

5.20 The "I Plan" and "G Plan" systems (which are widely available through the Local Government Computer Services Board), and similar products, will facilitate planning authorities in using IT for development plan preparation, presentation and implementation, in addition to the use of IT for development control purposes.

5.21 IT can greatly assist plan preparation in respect of

- Data collection, storage, analysis and transfer,
- Preparation, presentation and production of the plan,
- Enhanced public consultation, and
- Document management.

5.22 A number of systems are used by planning authorities for the collection, collation and analysis of data including database and geographical information systems (GIS). The systems available are continually becoming more sophisticated. They enable:

i The development of databases, e.g. for development control which can enable take-up of zoned and serviced lands to be monitored;

ii Access to online databases and the Internet for national and regional published data and reference reports such as those of the Central Statistics Office (CSO). Other databases established by commercial companies can be subscribed to;

iii Analysis of relevant spatial databases such as infrastructure programmes and environmental designations and

iv Collation and analysis of quantitative and qualitative survey information.

## Use of the Internet

5.23 The Internet should be used to enhance the public consultation process, the level of information that can be accessed by the public and how submissions on the draft plan are handled.

5.24 The Act requires consultation with the general public, with the support of public meetings, in the initial phase. At such meetings the quality of information dissemination can be greatly enhanced by the use of presentations incorporating maps, photographs, graphs and charts. Through the use of Internet technology and the development of interactive web-based facilities, the presentation should be placed on the local authority's website allowing individual independent access to the widest possible audience. This option, if available, should be advertised along with the announcement of the public meeting(s).

5.25 The Internet also provides a vehicle for consultation on the draft development plan. Under the Act, it does not replace the requirement for copies to be put on display and be accessible to the public. Planning authorities may, however, provide web-based links at offices and sub-offices of the local authority and other public buildings such as libraries. The Internet should be used to support consultation on the draft plan and the public should be notified of this in the advertisement that announces that the draft plan is being put on display.

5.26 Most city and county authorities have set up websites. Websites can also be made interactive. This option can support consultation on the draft plan. Through links established on the website, in addition to viewing the draft plan, the public could examine underlying information contained in working papers.

5.27 IT can assist the collation and analysis of submissions received. This will enable key issues to be easily identified for incorporation in the Manager's Report to elected members.

5.28 When the development plan has been adopted, the Internet version is a good way of providing constantly updated text and maps, i.e. incorporating any variations.

# 6. MONITORING AND EVALUATION

6.1 Planning authorities should endeavour to monitor the implementation of their development plans on an ongoing basis. Section 15(2) of the Act states:

*"the manager of a planning authority shall, not more than 2 years after the making of a development plan, give a report to the members of the authority on the progress achieved in securing the objectives (of the plan)."*

In addition to the above, the Act requires the planning authority to commence the review of the plan not more than four years after its adoption. The implication of these requirements for planning authorities is that the development plan requires regular monitoring and evaluation. The policies and objectives of the plan must be capable of implementation and it must be possible to monitor progress in this regard. Development plans must be able to respond to changing circumstances over the period of the plan. Regular monitoring of the relationship between the plan and changes in the wider policy context, development pressures and local priorities are important if the policies and objectives are to remain effective and relevant. The following paragraphs provide guidance on the process of monitoring and evaluation.

## Approach

6.2 The purpose of monitoring and evaluation is to assess the effectiveness or otherwise of policies and objectives in terms of achieving stated aims. Monitoring involves the collation and analysis of performance data. These must be linked to an evaluation process so that effectiveness can be measured against stated criteria. Ideally policies and objectives should be formulated in terms that allow performance to be readily measured. This will involve the formulation of quantifiable criteria to facilitate measurement. Suitable criteria should be devised as policies and objectives are being drafted and not at the end of the policy making stage. Setting the criteria should become an integral part of the development

plan process (the preparation of an SEA environmental report will require such an explicit process).

6.3 Inevitably, development plans will contain policies and objectives which do not readily lend themselves to quantification. However, these must also be subject to monitoring and evaluation to test effectiveness and suitable criteria such as performance targets should be devised and made explicit in the plan. Policies and objectives must be clearly drafted and their precise function made explicit. This will greatly facilitate performance appraisal and evaluation. Vague or ambiguous statements should not be included in the plan.

6.4 Effective monitoring of performance should be carried out on an on-going basis and not limited to periodic one-off exercises. At a minimum, the requirements of the Act will require that an in-depth appraisal of the plan be carried out twice during its lifetime. However, for more effective appraisal, the monitoring process should be continuous so that any difficulties are identified early and suitable corrective action taken. The preparation of an annual monitoring and evaluation report would be of value in this regard, and could facilitate the identification of any issues concerning implementation of the development plan, for example through the interpretation of development plan objectives in the development management process, by key stakeholder interests that are part of, for example, the Strategic Policy Committee system.

6.5 Given the obligations imposed by the Act, the development plan should specify how it is intended that monitoring will be carried out and should set the priorities in this regard.

## Priorities for Monitoring

6.6 The effectiveness of all policies and objectives in the plan should be subject to monitoring. Priorities for monitoring must therefore be determined and key information requirements identified, working within the resources available. The initial focus should be on those policies and objectives central to the aims and strategy of the plan. For instance, in urban areas subject to extensive pressures for new residential development, up-to-date information on housing land availability, numbers of house

completions, outstanding planning permissions and rates of take-up will be key to the local authority's understanding of housing supply issues. In deciding priorities, plan makers should determine the key issues facing the area and identify the information requirements associated therewith. It should also be noted that section 95(3)(a) of the 2000 Act expressly requires that the biennial report required under Section 15(2) includes a review of progress on the housing strategy.

Given the impact of housing supply and provision on the demand for education provision and accompanying demand for school accommodation, planning authorities should appraise and keep the Department of Education and Science informed of the findings of the 2-year review report.

6.7 Much of the data required for successful monitoring and evaluation will be readily available in the local authority and often from within the planning department itself. The development management process will be central to the implementation of the plan and decisions on planning applications and appeals will be a key source of data for monitoring purposes. Linking of planning application databases with GIS will provide for easy data capture and provide a spatial expression of results. Modern IT has greatly improved the ability and ease with which planning authorities can collect, process and analyse data. It should form the basis of the performance appraisal system.

## Strategic Environmental Assessment (SEA)

6.8 Article 10 of the SEA Directive requires Member States to monitor the significant environmental effects of the implementation of plans and programmes, whilst permitting considerable flexibility in deciding how such monitoring shall be arranged. Chapter 7 of the SEA planning guidelines (November 2004) provides advice in this regard in relation to development plans.

# APPENDIX A

## OTHER PLANNING GUIDELINES

To date, the following statutory guidelines have been published in their final form:

- Part V of the Planning and Development Act, 2000: Housing Supply (2000)
- Childcare Facilities (2001)
- Quarries and Ancillary Activities (2004)
- Implementation of the SEA Directive (2004)
- Architectural Heritage Protection (2004)
- Retail Planning (2005)
- Sustainable Rural Housing (2005)
- Development Management (2007)

Also, other guidelines published are:

- Tree preservation (1994)
- Wind Farm Development (1996) – revised guidelines to be published shortly
- Telecommunications Antennae and Support Structures (1996)
- Residential Density (1999)
- Implementing Regional Planning Guidelines (2005)

In addition, the following consultation draft guidelines have been issued:

- Landscape and Landscape Assessment (2000)
- Design Standards for Apartments

For the updated position from time to time, please consult the Department's website: www.environ.ie or contact the Department directly.

# APPENDIX B

## ENVIRONMENTAL AND HERITAGE DESIGNATIONS

| Environmental Designations | European & International Legislation | Irish Legislation | Explanation |
|---|---|---|---|
| **Special Area of Conservation (SAC)** | Habitats Directive (92/43/EEC) | The Directive was transposed into Irish law by S.I. 94 of 1997- The European Communities (Natural Habitats) Regulations 1997.<br><br>(subsequently amended by the Wildlife Amendment Act, 2000). | The Habitats Directive requires Ireland to propose relevant areas for designation as Special Areas of Conservation for the conservation of listed habitats and species, and to maintain their favourable conservation status.<br><br>Part IV of the 1997 Regulations requires local authorities in respect of development requiring planning permission to ensure that an appropriate assessment of the implications of a proposed development within an SAC be undertaken.<br><br>Currently there are 364 candidate SACs comprising in excess of 900,000 hectares. All sites receive protection from date of advertisement. A listing of sites is available at www.heritagedata.ie |
| **Natural Heritage Area (NHA)** | | Wildlife Act 2000<br><br>The Wildlife Act 2000 provides a legal basis for designation and for a level of protection broadly comparable to that provided for SACs in the 1997 Habitats Regulations (see above). | NHAs are areas of national ecological importance. Over 1,100 such areas have been proposed. The total extent of these areas is just over 900,000 ha.<br><br>The ecological interest which underlies proposed NHAs is taken into account in decisions on planning applications or State grants for developments that would affect this interest. A listing of sites is available at www.heritagedata.ie |

| Environmental Designations | European & International Legislation | Irish Legislation | Explanation |
|---|---|---|---|
| **Special Protection Area (SPA)** | EU (Birds) Directive (79/409/EEC) | Conservation of Wild Birds Regulations (S.I. 291 of 1985) and by S.I. 94 of 1997-the European Communities (Natural Habitats) Regulations 1997,<br><br>(subsequently amended by the Wildlife Amendment Act 2000). | The Birds Directive requires that special measures be taken to conserve the habitats of listed species in order to ensure their survival and reproduction in their area of distribution. The most suitable areas for these species are classified as Special Protection Areas. Ireland is obliged to "take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds". Only activities which do not have significant effects on birds are acceptable in SPA's. The Birds Directive also requires the avoidance of pollution or deterioration of habitats generally outside specifically protected sites. SPAs and SACs together form a network of protected sites across the EU called "Natura 2000". A listing of sites is available at www.heritagedata.ie |
| **Statutory Nature Reserves** | | Wildlife Act 1976<br><br>(subsequently amended by the Wildlife Amendment Act, 2000). | Currently there are 78 nature reserves covering 18,095 ha. Statutory nature reserves may be established and managed on State lands or on private lands in agreement with the owner, which meet certain scientific criteria and comprise wildlife habitats worthy of conservation.<br><br>Nature reserves provide the strictest means in Ireland for the protection of wildlife sites. Nearly all damaging activities can be legally prevented in them. The Wildlife Act 1976, gives the Minister right of consultation in advance where certain activities are being carried out by State Departments in these nature reserves. A listing of sites is available at www.heritagedata.ie |
| **National Park** | | | The main aims of national parks are nature conservation and conservation-sensitive public recreation and education. In addition, their tourist value is recognised. The six national parks in Killarney, Connemara, Glenveigh, the Burren, Mayo and Wicklow are part of a network of national parks established internationally. A listing of sites is available at www.heritagedata.ie |

| Environmental Designations | European & International Legislation | Irish Legislation | Explanation |
|---|---|---|---|
| **Refuge for Fauna** | | Wildlife Act 1976<br><br>(subsequently amended by the Wildlife Amendment Act 2000). | Under the Wildlife Act, 1976, the Minister may designate areas as refuges for certain species of wild birds or wild animals and impose restrictive measures in order to protect the species and their habitats.<br><br>Ireland has designated seven areas as Refuges for Fauna. These relate to cliffs and islands to protect breeding seabirds. |
| **Wildfowl Sanctuary** | | Wildlife Act 1976<br><br>(subsequently amended by the Wildlife Amendment Act 2000). | Wildfowl Sanctuaries may be created on State or private land to protect ducks, geese and waders from hunting. There are 68 Wildfowl Sanctuaries. |
| **Landscape Conservation Area (LCA)** | | Section 204 of the Planning and Development Act 2000 allows for the designation of an LCA. The Act outlines the consultation procedure necessary when proposing a Landscape Conservation Area. | In accordance with Section 204 of the Act, a planning authority may designate any area or place as an LCA for the purposes of the preservation of the landscape. |
| **Tree Preservation Order (TPO)** | | Section 205 of the Planning and Development Act, 2000 | The objective of a TPO is to protect trees, groups of trees and woods of amenity value. Trees, which are the subject of a TPO cannot be felled unless the owner applies for planning permission to the local authority. |
| **Salmonid River** | EC Freshwater Fish Directive introduced in 1978 | European Communities (Quality of Salmonid Waters) Regulations, 1988, S.I. No 84 of 1988. | Salmonid fish are effective water quality indicators because of their sensitivity to pollution. Ireland is legally required to maintain and improve the water quality of rivers for salmonid fisheries. A listing of sites is available at www.cfb.ie or from the Central Fisheries Board. |

## INTERNATIONALLY RECOGNISED SITES

| Environmental Designations | European & International Legislation | Irish Legislation | Explanation |
|---|---|---|---|
| **Ramsar site** | Ramsar Convention on Wetlands of International Importance. | Protection derives from other designations of the sites as SPAs or Nature Reserves. | This Convention was ratified by Ireland in 1984. It obliges the State to recognise and conserve any internationally important wetlands. The Convention notes the presence of rare, vulnerable, endemic or endangered plants or animals as a factor in determining international importance. There are 47 sites comprising some 70,550 ha which have been designated to date. Further information is available at www.ramsar.org. |
| **World Heritage Site** | UNESCO (United Nations Educational, Scientific and Cultural Organisation) | | World Heritage Sites cover cultural and natural features of world importance. There are two World Heritage Sites in the State. The Brú na Bóinne archaeological complex in the Boyne Valley, which includes the world famous passage tombs of Knowth, Dowth and Newgrange. The second site is the early Christian monastic settlement on Sceilig Mhichil, Co. Kerry. The World Heritage Convention was adopted by UNESCO in 1972 and came into force in 1976. Further information is available at www.worldheritagesite.org |
| **Biogenetic Reserve** | Council of Europe | | Biogenetic reserves are recognised by the Council of Europe. The European Network of Biogenetic Reserves was introduced in 1976 to protect representative samples of natural habitats in Europe.<br><br>There are 14 such reserves in Ireland comprising 6,587 hectares. All are protected either as Nature Reserves or through State ownership. |

| Environmental Designations | European & International Legislation | Irish Legislation | Explanation |
|---|---|---|---|
| **UNESCO Biosphere Reserve** | Biosphere Reserves, designated by national governments and recognised by UNESCO under the MAB and Biosphere Programme. | | Biosphere reserves are areas of terrestrial and coastal/marine ecosystems. Their main objective is to facilitate sustainable development within certain zones defined as 'core areas', for nature conservation. They represent a tool for implementing the concerns of Agenda 21, the Convention on Biological Diversity and other international agreements. Biosphere Reserves combine conservation, research and education within a single site and link these sites up to an international network, which makes the biosphere concept different from more traditional means of protecting sites (such as reserves and parks). There is an implicit recognition of cultural identity, where human impact has a key role in maintaining biodiversity.<br><br>Ireland's two Biosphere Reserves are Killarney National Park and North Bull Island, Co. Dublin. Further information is available at www.unesco.org/mab/wnbr.htm. |

## Underwater Archaeology (Rivers, Lakes, Sea shore)

Under the National Monuments Acts 1930-2004, all shipwrecks over one hundred years old, underwater archaeological structures, features and objects are protected. The quantification of the underwater archaeological resource is at a preliminary stage with the National Shipwreck Inventory currently being compiled. This source indicates areas of high archaeological potential within marine environments. The Record of Monuments and Places (RMP) does not include underwater archaeological sites. As a result the potential exists for development to impact negatively on our underwater cultural resource. Development Plans should therefore take account of any development and constructional impacts on riverine, lacustrine, inter-tidal and sub-tidal environments.

## The Record of Monuments and Places (RMP)

The RMP for Counties identifies archaeological sites throughout the county. These Recorded Monuments are protected under the National Monuments (Amendment) Act 1994. The maps showing the archaeological sites are subject to regular updating. Thus, the most recent edition should be consulted. The RMP is obviously not an exhaustive list of all archaeology in existence. The up-dated maps and accompanying manuals are referred to as "The Record of Monuments and Places" due to the adoption of the National Monuments (Amendment) Act 1994.

## The European Convention on the Protection of the Archaeological Heritage (Valetta, 1992)

This Council of Europe Convention was ratified by Ireland in 1997. It requires that archaeological heritage is taken account of in the development process. This is important, as it reiterates the legal obligations of Irish planning law into a broader European context. This convention also includes the setting and context of archaeological sites as part of the archaeological heritage that requires protection. Ireland ratified this Convention in 1997, and as such is legally bound by it.

## The Urban Archaeological Survey

The guideline boundaries for historic towns are illustrated within the RMP. These sites are also identified as Zones of Archaeological Potential and are areas where intense archaeology is present.

Details of monuments within Zones of Archaeological Potential are shown on maps accompanying the Urban Archaeological Survey, which each local authority has been furnished with. The text of the Urban Archaeological Survey is very useful for the purpose of explaining the archaeological/historical background of all historic towns.

## Other references

- Framework and Principles for the Protection of the Archaeological Heritage, Government of Ireland 1999.

- The Record of Monuments and Places for Counties.

# APPENDIX C

## FURTHER CONSIDERATIONS FOR GAELTACHT AREAS

In considering how to address the issue of the Irish language in a Gaeltacht area, the Planning Authority should be guided by certain important factors that will help ensure the protection of the linguistic and cultural heritage of the Gaeltacht, including the promotion of the Irish language. Planning authorities should elicit and consider views expressed during the public consultation process. Among the factors for consideration are:

### Demographic Factors

- A sufficiently large population to maintain the vibrancy of Irish,
- A population with a sufficiently wide age range including the younger age groups, and
- A population where in-migration of non-Irish speakers is limited to a scale that would not impinge on the integrity of the Irish-speaking population.

### Economic Factors

- A sufficiently vibrant economy to ensure community stability,
- Economic activity of a nature and extent that would not compromise the integrity of the Gaeltacht area or population,
- Economic activity of a nature or extent that would not demand the introduction of languages and cultures that would not be supportive of the Irish language,
- The conducting of business and the management of business affairs through the use of the Irish language (where possible).

### Facilities

- A range of facilities that would provide adequate opportunity for the teaching of Irish,
- A range of facilities that would reflect the linguistic culture of the area, and
- A range of facilities that would provide for the economic and social needs of the community.

## Administrative and Other Management Structures

- The provision of adequate opportunity for full participation in the political and decision-making functions of the community through the Irish language, and
- The provision of adequate opportunity to fully conduct all business, both public and private, through the Irish language.

## Cultural Factors

- The provision of adequate facilities for the presentation of the linguistic culture of the Gaeltacht,
- The reflection of the Irish language in the material culture of the area such as buildings, public signage, private signage, literature and maps,
- The provision of means of public and private communication through the use of the Irish language, and
- The provision of resources for entertainment and education through the use of the Irish language.

# APPENDIX D

## RELATIONSHIP WITH OTHER PLANS, STRATEGIES AND PROGRAMMES

### Other plans and programmes

Development plans also link to other national and local plans and programmes that impact on or are related to the planning system such as:

- Waste Management Plans
- Water Quality Management Plans
- Capital Works Programmes/Objectives
- Housing
- Roads
- Water supply and drainage
- Waste management
- Recreation and amenity
- Social and community.

### Waste Management Plans

Local authorities are required under the Waste Management Acts 1996-2001 to make a waste management plan for their functional areas. These Acts, together with the Waste Management (Planning) Regulations 1997, specify in some detail the matters to be addressed in the plans. Essentially they deal with the prevention, minimisation, collection, treatment and disposal of waste.

Waste management can have significant land-use implications as is recognised in the Planning and Development Act 2000. The Act requires that the development plan must include objectives for waste recovery and disposal facilities, with regard having been given to the waste management plan for the area made in accordance with the Waste Management Acts. Section 4 of the Waste Management Amendment Act 2001 provides that the development plan in force in an area shall be deemed to include the objectives contained in the waste management plan made by the local authority. The development plan should indicate where proposals for the various aspects of integrated waste management could be considered acceptable land-uses.

## Water Quality Management Plans

Statutory responsibility for water management and protection rests primarily with local authorities. The Water Pollution Acts 1977 and 1990 and regulations made thereunder, including regulations giving effect to EU Directives, constitute the main national legislation in this regard. The Acts enable local authorities to make water quality management plans for any waters in or adjoining their functional areas.

The Planning and Development Act 2000 also recognises the importance of protecting and preserving the quality of water and makes provision in the First Schedule (Part IV) for objectives which may be included in the development plan in this regard. In the preparation of development plans, planning authorities should therefore ensure that relevant objectives of any water quality management plans be included in the plan.

## Capital Works Programmes

The strategy and policies of the development plan must inform, and be informed by, the capital works programmes of the local authority. These will include both particular projects which the local authority intends to initiate in the six-year period of the development plan and medium/long-term schemes outside the plan period. Generally such works relate to:

(i) Housing;
(ii) Non-National Roads;
(iii) Water supply and drainage schemes;
(iv) Waste management facilities;
(v) Recreation and amenity schemes and
(vi) Social and community facilities.

(Note: Housing Strategies are addressed in chapter 3).

Details of proposed capital works relevant to the achievement of the strategy and policies of the development plan should be included in the written statement and their location shown on the appropriate maps. Medium/long-term projects should be described in as much detail as possible, both to indicate the longer-term strategic works proposed by the local authority and to ensure that

their eventual implementation is not prejudiced by other developments.

The implementation of particular projects is dependent, in many cases, on the availability of the necessary capital and approvals from Government. Particular schemes may be modified or deleted and new works may be initiated depending on the availability of capital and the sanctioning of schemes. The development plan should explain the context in which projects are being provided for. In addition, it should outline the implications of projects for land acquisition, accepting that the actual extent of acquisition required to implement a scheme will generally only emerge as detailed designs are prepared as part of the implementation process. The location of projects, such as the line of proposed roads, proposed strategic infrastructure corridors for power lines and gas pipelines etc, should be shown in diagrammatic form unless detailed designs have already been prepared and the necessary sanctions secured.

# APPENDIX E

## PLANNING IN AREAS AT RISK FROM FLOODING

Under Part 1 of the First Schedule to the 2000 Act, the purposes for which objectives may be indicated in development plans include regulating, restricting or controlling development in areas at risk of flooding (whether inland or coastal), erosion and other natural hazards.

In identifying lands for various categories of development, flood risk should be considered at relevant stages of the planning and development processes. The planning system should help to ensure that existing flood risks are either reduced or addressed and that new development does not individually or cumulatively give rise to new flood risks.

In dealing with the issue of flooding, development plans should also identify the main river catchments and coastal areas that experience or are at risk from flooding. Policies should then outline the considerations that will arise in relation to development within river catchments from the point of view of managing existing flood issues or avoiding the generation of new flood risks. Such policies will need to be derived from and should include references to any mapping of flood patterns such as that carried out by the Office of Public Works. Such maps would normally indicate areas that could be affected by flood events based on the approximate extent of flooded areas with a 1% annual probability of occurrence for rivers and a 0.5% annual probability for coastal areas. More precise information may be needed for development plan policies in relation to areas at risk of flooding where development is proposed or is likely to occur.

Other possible policies might set out requirements to be addressed in individual planning applications to effectively address surface water drainage and the cumulative impact of altered drainage patterns in substantial areas of "green-field" development. Where appropriate and necessary, development plans should encourage forms of development that reduce or better manage the rate of

surface water discharge by, for example indicating a preference for more permeable surfaced areas rather than hard surfaced areas in car parks, as well as use of storage ponds and controlled release of surface waters.

Development plan policies dealing with flooding also need to recognise the uncertainties inherent in the prediction of flooding and the fact that flood risk is expected to increase as a result of climate change. In this regard, a precautionary approach is desirable. Development plans should also include policies indicating that developers will be required to support the funding of flood defences needed for particular developments, either partially or fully, depending on the circumstances involved.

In overall terms, flood related policies in development plans should be prepared on a whole river catchment basis and not be restricted to flood plains alone.

The Department of the Environment, Heritage and Local Government intends to prepare, in conjunction with the Office of Public Works, more comprehensive Section 28 guidance on flooding and the planning system for future publication.

For further details see www.flooding.ie - the national flood hazard mapping website.

# APPENDIX F

## PROVISION FOR SCHOOLS AND SCHOOL PLANNING GUIDELINES

Identification of future needs for the provision of school sites and school facilities is an important task in the preparation of new development plans. Planning authorities should engage with the Department of Education and Science at the preparatory stages of the making of a new development plan including any assessments of existing schools provision, but more importantly the likely scale of development that can be realistically anticipated over the life of the new development plan.

Early consultation is especially valuable in identifying whether or not new schools provision is likely to be a significant issue in the development plan process, particularly in fast developing areas adjacent to the main centres of population such as the Gateways identified in the National Spatial Strategy.

Where new schools provision is agreed between the Department of Education and Science and the relevant planning authority or planning authorities to be a significant issue to be addressed in the development plan process, early consideration should be given to the most appropriate site or sites for such facilities having regard to the Department's requirements outlined below and other planning matters such as transport assessments, maximising safe walking and cycling routes to schools and complementary usage of school facilities.

The early consideration of the most appropriate school sites on a joint basis between the Department of Education and Science and the planning authority should then permit the assessment of any submissions for the zoning of land within the context of the prior identification of the most suitable sites for school facilities from a physical and schools planning perspective.

For further information on the design of schools, refer to the Department of Education and Science website www.education.ie under Technical Guidance. These Guidance Documents are updated etc. in the light of ongoing practice. Planning authorities are

therefore advised to consult the Department's website to ensure that the latest version is being consulted.

## Post-Primary Schools

Guidelines on minimum Post-Primary school site sizes are currently under review. The revised version will be available on the Department of Education and Science website www.education.ie under Technical Guidance. To give an idea of the area required an **800 pupil school** has a built area of circa 6000m² (7.5m² per pupil), the external play space is 3060m² (6 ball courts), a gaelic pitch is 12600m². To give a reasonable space for external circulation, access and parking, the placement of the building, some external landscaping and an allowance for expansion, the overall area should be doubled giving **a minimum size of 10.7 acres (4.3 hectares).**

The area required for a **500 pupil school** has a built area of circa 3750m² (7.5m² per pupil), the external play space is 2550m² (5 ball courts), a gaelic pitch is 12600m². To give a reasonable space for external circulation, access and parking, the placement of the building, some external landscaping and an allowance for expansion, the overall area should be doubled giving **a minimum size of 9.3 acres (3.7 hectares).**

If the site is an irregular shape or has a difficult access this area should be increased. As a general rule pending developing guidance take the building area, hard play and a playing pitch and double it.

The guidelines for external play for post primary schools :-

## Covered area and Store

| Type of Space | Dimensions | Area |
|---|---|---|
| External store | 10 x 5 m. | 50 $m^2$ |
| Covered area for Construction Studies | 6 x 5 m. | 30 $m^2$ |

## Car Parking

| |
|---|
| Car Parking. **1** per **full time staff** member + **1** per **100** pupils (For guests/visitors) + **1** for the disabled. |

## Hard play area - Overall Court size 30 m x 17 m (Playing area per court 28 m x 15 m)

| Pupils | Number | Total Area |
|---|---|---|
| less than 250 | 2 | 1020 $m^2$ |
| 250 – 349 | 3 | 1530 $m^2$ |
| 350 – 499 | 4 | 2040 $m^2$ |
| 500 – 799 | 5 | 2550 $m^2$ |
| 800 + | 6 | 3060 $m^2$ |

## Soft play areas (Not part of schedule - for information only):

| Playing Pitches | Playing Area |
|---|---|
| Gaelic Games | 130 – 145 x 80 – 90 m. |
| Soccer | 90 – 120 x 45 – 90 m. |
| Hockey | 91.44 x 54.86 m |
| Rugby | 144 x 69 m (Playing + in-goal area) |

## Primary Schools

## AREA LIMITS

The following site areas are shown as a guideline only. The area required will depend on the shape of the site, site access, availability of site utilities, and the capacity of the site to meet the criteria set out in the guidelines that follow:

| School Size | Area in Hectares | Area in Acres |
|---|---|---|
| Schools with up to **8** class units | 1.01 | 2.5 |
| Schools with **9** to **16** class units | 1.22 | 3.0 |
| School with **17** to **32** class units. | 2.03 | 5.0 |

## GUIDANCE NOTES

The following guidelines should be used in site selection.

A flexible approach should be used in terms of:

- future expansion of the school,
- Traffic management - car parking/pick up & set down areas etc.,
- ball-court and hard play areas,
- soft play areas,
- landscaping.

Sites should generally meet the following criteria:

- be of regular shape,
- be reasonably level,
- have good road frontage, with adequate traffic sight-lines
- be without obstruction, and
- have reasonable space for developing a set-down/pick-up area.

In assessing site suitability, the location and adequacy of public utilities, which include Gas, Mains Water, Telecom, Electricity, Foul & Surface Water drains, and the cost of connecting into them, shall be taken into account

Site purchase should not be concluded until a Grant of Permission ( outline or full ) for the proposed development together with any conditions attached has been submitted to and approved by the Department.

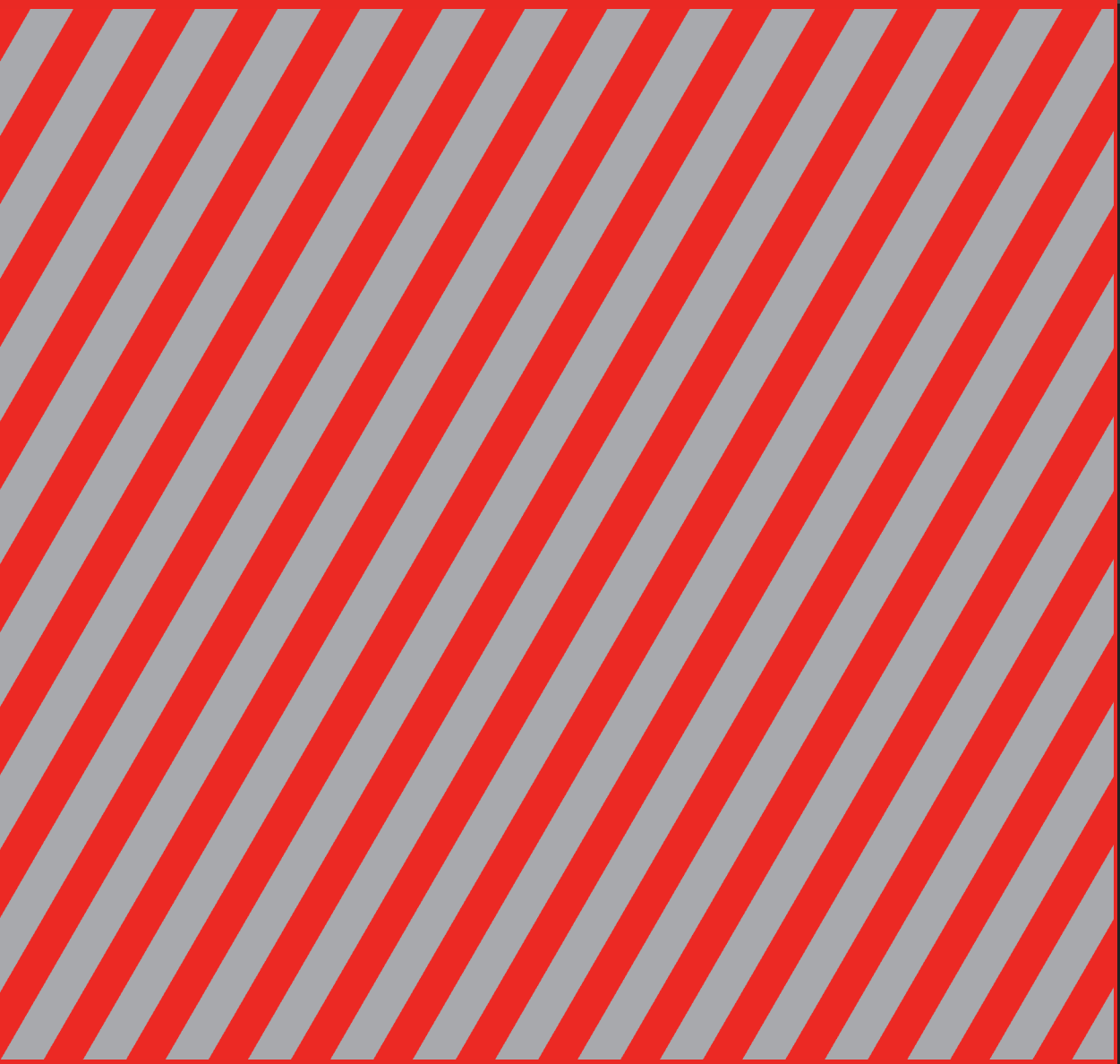
Provision should be made for the preparation and landscaping of the area around the school and between the school and the site entrance. Such landscaping should be simple, cost effective and easy to maintain. The Design Team should consider the natural paths and routes through the site to the school entrances in determining the appropriate location and the extent of paths provided. Large areas of hard landscaping should be avoided.

# APPENDIX G

## SUBMISSIONS RECEIVED

An Bord Pleanála
An Taisce
Ballymore Project Services Limited (Kieran Rush)
Campbell, Sirena, PD Candidate for Meath East
Canney, Rita
Cavan County Council (Officials)
Comhdháil Náisiúnta na Gaeilge
Cork City Council (Officials)
Cork County Council (Officials)
Department of Transport
Disability Federation of Ireland
DoEHLG (Environment Inspectorate)
DoEHLG (Paul Altman Architect Advisor)
Dublin City Council
Dun Laoghaire Rathdown County Council (Economic Development & Planning SPC)
Eastern Regional Fisheries Board
ESB (Issue raised not relevant in context of DP guidelines)
Fáilte Ireland
Feasta (The Foundation for the Economics of Sustainability)
Friends of the Irish Environment (FIE)
Galway City Council (Officials)
Heritage Council
ICOMOS
Irish Concrete Federation
Irish Home Builders Association (IHBA)
Irish Planning Institute (IPI)
John Flanagan Developments Ltd. (via Offaly Planning SPC)
Keep Ireland Open
Kerry County Council (Officials)
Louth County Council (Planning SPC c/o Rose Kenny Director of Planning)
Madden, Charlie
Mc Mullen, Catherine
National Disability Authority
National Heart Alliance

National Roads Authority (NRA)
O Foghlú, Tadhg
Offaly County Council (Official)
Office of Public Works (OPW)
Office of the Minister for Children, Dept of Health & Children
Rathgar Residents Association (RRA)
RGDATA
RIAI
Rose, Kieran. (Senior Planner, Dublin City Council)
Ryan, Aine
Shannon Regional Fisheries Board
South Dublin County Council (Officials)
South West Regional Authority
South Western Regional Fisheries Board
Údarás Na Gaeltachta
Westmeath County Council





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