

1.0 Statement Demonstrating Compliance with Section 28 Guidelines and SPPR’s

Under Section 28 of the Planning and Development Act 2000(as amended) the Council is required to append a statement to the Development Plan to include information which demonstrates:

- (a) How the planning authority has implemented the relevant policies and objectives of the Minister contained in the Guidelines when considering their application to the area or part of the area of the draft development plan and the development plan, or
- (b) If applicable, that the planning authority has formed the opinion that it is not possible, because of the nature and characteristics of the area or part of the area of the development plan, to implement certain policies and objectives of the Minister contained in the Guidelines when considering the application of those policies in the area or part of the area of the draft development plan or the development plan and shall give reasons for the forming of the opinion and why the relevant policies and objectives of the Minister have not been so implemented.

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

Tables 1- 2 provides the requisite information as to how this Draft Development Plan has fully implemented all relevant Section 28 Guidelines and has complied with all relevant special planning policy recommendations.

Table 1: Section 28 Guidelines

Section 28	Carlow County Development Plan 2022-2028
Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DEHLG, 2009)	The preparation of this Plan implements the relevant provisions of these guidelines.
Architectural Heritage Protection – Guidelines for Planning Authorities (DAHG, 2011)	These Guidelines are referenced and incorporated into relevant policies and objectives in Chapter 10 Natural and Built Heritage.
Childcare Facility Guidelines for Planning Authorities (DHPLG, 2001)	Chapter 8: Community Development and specifically Section 8.11 incorporate provisions of these Guidelines.
Design Manual for Urban Roads and Streets (DHPLG, updated 2019)	Chapter 3 Housing, Chapter 5: Sustainable Travel and Transport and Chapter 16 Development Management have incorporated the provisions of these Guidelines.
Development Contributions, Guidelines for Planning Authorities (DECLG, 2013)	The Review of the Existing Development Contribution Scheme shall have regard to these Guidelines.
Development Plan Guidelines for Planning Authorities (DEHLG, 2007)	The Plan implements the provisions of these Guidelines in relation to the plan making process and format of the Draft Plan.
Development Management Guidelines for Planning Authorities (DEHLG, 2007)	Chapter 16 Development Management implements the relevant provision of these Guidelines.
Guidelines for Local Authorities and An Bord Pleanala on Carrying Out Environmental Impact Assessment (DHPLG, 2018)	Chapter 16 Development Management references requirements in relation to EIA and has regard to the Guidelines.
Housing Supply Target Methodology for Development	Chapter 2 Core Strategy and Settlement Strategy and the Housing Need Demand Assessment are prepared having regard to these Guidelines.

Section 28	Carlow County Development Plan 2022-2028
Planning: Guidelines for Planning Authorities (DHLGH 2020)	
Implementation of SEA Directive (2002/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment, Guidelines for Regional Authorities and Planning Authorities (DELG 2000)	These Guidelines informed the preparation of the Strategic Environmental Assessment (SEA) of the Development Plan, which is included in Appendix I. All recommendations and mitigation measures from the SEA process have been incorporated into the Plan. The SEA process and report implements the relevant policies and objectives of these Guidelines.
Local Area Plans, Guidelines for Planning Authorities (DECLG, 2013)	These Guidelines are not directly applicable to the Development Plan process but will inform preparation of any forthcoming local area plans over the life of this Plan.
Part V of the Planning and Development Act 2000, Guidelines (DHPCLG, 2017)	Chapter 3 Housing and Appendix IV Housing Strategy incorporating the Housing Need Demand Assessment implements the relevant provisions of these Guidelines. S
Provision of Schools and the Planning System (DEHLG, 2008)	Chapter 8: Community Development and specifically Section 8.10 incorporate provisions of these Guidelines.
Quality Housing for Sustainable Communities – Design Guidelines (2007)	Chapter 16 Development Management references this guidance document.
Quarries and Ancillary Activities (DEHLG, 2004)	Chapter 14 Rural Development and in particular Section 14.15 and Chapter 16 Development Management references requirements in relation the Guidelines.
Retail Planning Guidelines, Guidelines for Planning Authorities and Retail Design Manual (DECLG, 2012)	Chapter 4 Enterprise and Employment Section 4.5 – 4.12 and Appendix V Retail Strategy have been prepared and informed by the Guidelines and incorporate policies and objectives which supports their implementation.
Spatial Planning and National Roads, Guidelines for Planning Authorities (DECLG 2012)	Chapter 5 Sustainable Travel and Transport implements the relevant policies and objectives of these Guidelines.
Sustainable Residential Development in Urban Areas and Urban Design Manual Best Practice guide (DEHLG, 2009)	Chapter 3 Housing, Chapter 12 Urban Design Guidelines and Regeneration and Chapter 16 Development Management implement the relevant provisions of these Guidelines.
Sustainable Rural Housing, Guidelines for Planning Authorities (DEHLG, 2005)	Chapter 3 Housing and in particular Section 3.16 Single Housing in the Countryside has been informed by these Guidelines together with new provisions arising from the National Planning Framework (NPO 19).
Sustainable Urban Housing – Design Standards for New Apartments (DHPLG 2018)	Chapter 3 Housing and in particular Section 3.6 Creating Sustainable Communities and Neighbourhoods, and Sections 3.10 – 3.11 Apartments and Chapter 16 Development Management implement the relevant provisions of these Guidelines.
Telecommunications Antennae and Support Structures Guidelines (DELG, 1996) Circular Letter PL07/12	Chapter 6 Infrastructure and Environmental Management Section 6.6 implements the relevant provisions of these Guidelines.
The Planning System and Flood Risk Management (DELG, 2009)	Chapter 6 Infrastructure and Environmental Management – Section 6.10 and Appendix III implement the relevant provisions of the Guidelines.
Tree Preservation Guidelines (DoELG, 1994)	Chapter 10 Natural and Built Heritage – Section 10.6 Woodlands, Trees and Hedgerows implements the relevant provisions of these Guidelines.
Urban Development and Building Heights Guidelines for Planning Authorities, 2018	Chapter 3 Housing – Section 3.8, Chapter 12 Urban Design Guidelines and Regeneration and Chapter 16 Development Management implement the relevant provisions of these Guidelines.

Section 28	Carlow County Development Plan 2022-2028
Wind Energy Development Guidelines 2006 & Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change, 2017 (DHPCLG)	Chapter 7 Climate Action and Energy – Section 7.10.3.1 and the Renewable Energy Strategy – Appendix 6 sets out the Councils policies on Wind Energy and was framed by these Guidelines.

Table 2: Implementation of Specific Planning Policy Recommendations – Section 28 Guidelines

Specific Planning Policy Recommendation	Compliance
Sustainable Urban Housing: Design Standards for New Apartments (DHLGH, 2020)¹	
<p>SPPR 1: Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.</p> <p>Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).</p>	<p>A Housing Strategy and HNDA has been prepared (Appendix IV) and has demonstrated the anticipated demand for housing mix over the period of this Plan.</p> <p>Section 3.9 with accompanying policies supports the delivery of mixed housing based on size, type and tenure at suitable locations.</p> <p>Section 3.10 Apartments addresses specifically the role of apartments in accommodating future anticipated demands in accordance with the projections as contained in the HNDA. Design standards in compliance with SPPR 1 is contained in Chapter 16: Development Management, Section 16.8.11 This complies with SPPR 1.</p>
<p>SPPR 2: For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:</p> <ul style="list-style-type: none"> • Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units; • Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th; • For schemes of 50 or more units, SPPR 1 shall apply to the entire development. 	<p>A Housing Strategy and HNDA has been prepared (Appendix IV) and has demonstrated the anticipated demand for housing mix over the period of this Plan.</p> <p>Section 3.9 with accompanying policies supports the delivery of mixed housing based on size, type and tenure at suitable locations.</p> <p>Section 3.10 Apartments addresses specifically the role of apartments in accommodating future anticipated demands in accordance with the projections as contained in the HNDA. Design standards in compliance with SPPR 2 is contained in Chapter 16: Development Management, Section 16.8.11). This complies with SPPR 2.</p>
<p>SPPR 3: Minimum Apartment Floor Areas:</p> <ul style="list-style-type: none"> • Studio apartment (1 person) 37 sq.m • 1-bedroom apartment (2 persons) 45 sq.m • 2-bedroom apartment (4 persons) 73 sq.m 	<p>Chapter 16: Development Management, Section 16.8.11 - Table 16.4 sets out standards in relation to minimum apartment floor areas and also the requirement as set out in Section</p>

¹ SPPR 7 & 8 & 9: BTR and Shared Accommodation development – N/A
Refer Updated Guidelines Dec 2020

Specific Planning Policy Recommendation	Compliance
<ul style="list-style-type: none"> • 3-bedroom apartment (5 persons) 90 sq.m 	<p>28 Guidelines for any scheme of 10 or more units to exceed these standards by a minimum of 10%.</p> <p>This complies with SPPR 3.</p>
<p>SPPR 4: In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</p> <ul style="list-style-type: none"> (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate. (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects. 	<p>Chapter 16: Development Management, Section 16.8.11. This complies with SPPR 4.</p>
<p>SPPR 5: Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.</p>	<p>Chapter 16: Development Management, Section 16.8.11 - sets out standards in relation to floor to ceiling heights in compliance with SPPR 5.</p>
<p>SPPR 6: A maximum of 12 apartments per floor per core may be provided in apartment schemes.</p> <p>This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.</p>	<p>Chapter 16: Development Management, Section 16.8.11 - sets out the maximum number of apartments per floor.</p> <p>This complies with SPPR 6.</p>
Urban Development and Building Heights	
<p>SPPR 1: In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to</p>	<p>Chapter 3 Housing, Section 3.8 Densities / Increased Building Heights outlines policies to guide future building height within the County.</p>

Specific Planning Policy Recommendation	Compliance
<p>secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	
<p>SPPR 2: In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy.</p> <p>Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.</p>	<p>Project Carlow 2040: A Vision for Regeneration incorporated a number of proposed intervention areas which supports appropriate mixture of uses, such as housing, commercial, employment etc. The implementation of Project Carlow 2040: A Vision for Regeneration is a strategic objective of the Council over the period of this Plan.</p>
<p>SPPR 3: It is a specific planning policy requirement that where;</p> <p>(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and</p> <p>2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these Guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p> <p>(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these Guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme</p> <p>(C) In respect of planning schemes approved after the coming into force of these Guidelines these are not required to be reviewed.</p>	<p>Having regard to SPPR 3 of the Building Height Guidelines there may be circumstances where increased height and / or taller buildings maybe considered. In such circumstanced any such proposal must be assessed in accordance with the Urban Design criteria identified in Chapter 12. The onus will be on the applicant to demonstrate compliance with Chapter 12.</p>
<p>SPPR 4: It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:</p> <p>1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled</p>	<p>Chapter 3 Housing, Section 3.8 Densities / Increased Building Heights outlines policies to guide appropriate residential densities throughout the County. Section 3.7 and 3.9 address the need for housing mix, type etc. and include policies and objectives to support same.</p>

Specific Planning Policy Recommendation	Compliance
<p>“Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;</p> <p>2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and</p> <p>3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.</p>	
Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change	
<p>SPPR 1: Ensure that overall national policy on renewable energy as contained in documents such as the Government’s ‘White Paper on Energy Policy - Ireland’s Transition to a Low Carbon Future’, as well as the ‘National Renewable Energy Action Plan’, the ‘Strategy for Renewable Energy’ and the ‘National Mitigation Plan’, is acknowledged and documented in the relevant development plan or local area plan;</p>	<p>Chapter 7: Climate Action and Energy and Appendix 6 acknowledge the relevant legislative and policy provisions outlined.</p>
<p>SPPR 2: Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts); and</p>	<p>Chapter 7: Climate Action and Energy and Appendix 6 include relevant targets for Renewable Energy production over the period of the Plan.</p>
<p>SPPR 3: Demonstrate detailed compliance with item number (2) above in any proposal by them to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan. Such a proposal shall be subject to environmental assessment requirements, for example under the SEA and Habitats Directives. It shall also be a material consideration in SEA, when taking into account likely significant effects on climatic factors, in addition to other factors such as landscape and air, if a mandatory setback or variation to a mandatory setback proposed by a planning authority in a development plan or local area plan would create a significant limitation or constraint on renewable energy projects, including wind turbines, within the administrative area of the plan.</p>	<p>The Draft Plan does not set out any mandatory set back distances from specified land uses or classes of land use and is therefore consistent with SPPR 3.</p>