



Implementation of Ministerial Guidelines

Appendix 5

APPENDIX 5 IMPLEMENTATION OF MINISTERIAL PLANNING GUIDELINES

BACKGROUND

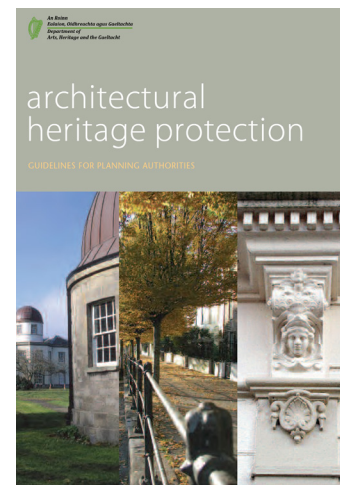
Under Section 28 of the *Planning and Development Act 2000, as amended* Fingal County Council is required to append a statement to the Development Plan demonstrating how the Council has implemented the policies and objectives of Ministerial Planning Guidelines. Or if applicable, that the Council has formed the opinion that it is not possible to implement certain policies and objectives of the Minister for stated reasons.

Implementation of Ministerial Guidelines in the Fingal Development Plan

The following section outlines how the Fingal Development Plan 2017-2023 implements applicable Ministerial Planning Guidelines issued under Section 28 of the Act.

Architectural Heritage Protection - Guidelines for Planning Authorities

- A comprehensive Record of Protected Structures has been included as Appendix 2 to the Development Plan.
- 31 Architectural Conservation Areas have been identified across the County.
- Chapter 10 of the Development Plan commits the Council to the protection and conservation of buildings, areas, structures, sites and features of archaeological, architectural, historical, artistic, cultural, scientific, social or technical interest.
- The local implementation of national Architectural Heritage Protection policy benefits from the oversight of the County's Architectural Conservation Officer.



Childcare Facilities - Guidelines for Planning Authorities

- Chapter 3 of the Plan recognises the provision of childcare facilities is an important factor for economic and social wellbeing. It acknowledges that childcare is essential to enable parents to participate in the workforce and to obtain an income that provides an acceptable standard of living for both them and their children.
- Objective PM69 encourages provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and close to public transport. Objective RF10 promotes Childcare provision within Rural Villages.

- Objective PM 71 requires as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the planning authority.
- In assessing applications for new childcare facilities, the Development Plan commits the Council to consulting with the Fingal County Childcare Committee to assess the need for the type of facility proposed at the intended location.
- Objective DMS 93 sets down requirements for childcare facilities with regard to site suitability, sleeping/rest facilities, play space, access and parking.
- Childcare facilities are identified as “permitted in principle” in the vast majority of the Development Plan’s landuse zoning objectives. They are “not permitted” in areas zoned for Retail Warehousing, Heavy Industry and Open Space.
- The Childcare Facilities Guidelines for Planning Authorities are referenced as a consideration in Chapter 12 Development Management Standards.

Development Management – Guidelines for Planning Authorities

- Chapter 12 “Development Management Standards” sets out the development standards and criteria to ensure development throughout the County occurs in an orderly and efficient manner, as envisaged by the Guidelines.
- Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding chapters of the Plan and be compliant with relevant legislative guidance.

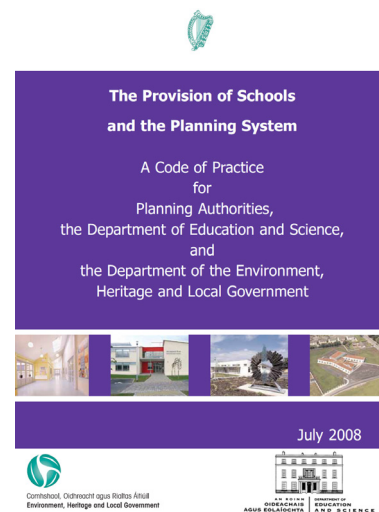
Development Plans – Guidelines for Planning Authorities

- The Fingal Development Plan has had regard to the policy contained in the above mentioned Guidelines in terms of both the plan-making process and format of the Plan.
- The section of the Guidelines entitled “Factors in Determining Zoning” has directly informed the zoning of land in the County. 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 – have all been fully considered.
- In addition, the Council has had regard to more recent legislative amendments which have affected the Development Plan preparation process since the publication of the Guidelines in 2007. The most significant of these changes being the requirement for a Core Strategy (Chapter 2) which was introduced by the *Planning and Development (Amendment) Act 2010*.
- The Plan also has had cognisance of other amendments related to Development Plans brought about by the enactment of the *Urban Regeneration and Housing Act 2015*, the *Local Government Reform Act 2014*, and the *Public Transport Regulation Act 2009* amongst others.



Provision of Schools and the Planning System - Code of Practice for Planning Authorities

- Ensuring the timely provision of community infrastructure including schools is stated strategic policy of the Development Plan.
- The Development Plan commits Fingal County Council to continuing to work closely with the Department of Education and Skills to identify and procure school sites where a shortfall in school places is identified.
- Objective PM73 commits the Council to facilitating the development of additional schools at both primary and secondary level in a timely manner in partnership with the Department of Education and Skills and/or other bodies.
- Objective RF09 commits the Council to assess the need for additional schools provision as part of the preparation of Rural Village LAPs.
- Chapter 12 states the Council will consider school developments having regard to specific requirements of the Department of Education and Skills and guidance set out within “The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government”.



Quarries and Ancillary Activities - Guidelines for Planning Authorities

- In Chapter 5 of the Development Plan the Council recognises the importance of extractive industries to the local and national economy as valuable sources of raw material for the construction industry and as an important source of employment.
- Objective RF87 requires that any future proposals for extraction of aggregates and land reclamation proposals include an assessment of the impact(s) on the natural and cultural heritage, and on the coastal processes of erosion, deposition, accretion and flooding. Any such proposals may need to be accompanied by an Environmental Impact Statement and/or Screening for Appropriate Assessment.
- Objective RF88 aims to ensure that the carrying out, processing and storage of extracted aggregates is done in a manner which minimizes the impact on the natural environment and residential amenities.
- Objective DMS 176 sets down detailed development management requirements in relation to the technical and policy matters to be considered in development proposals associated with the extractive industry. The Quarries and Ancillary Activities Guidelines are listed as an important consideration.

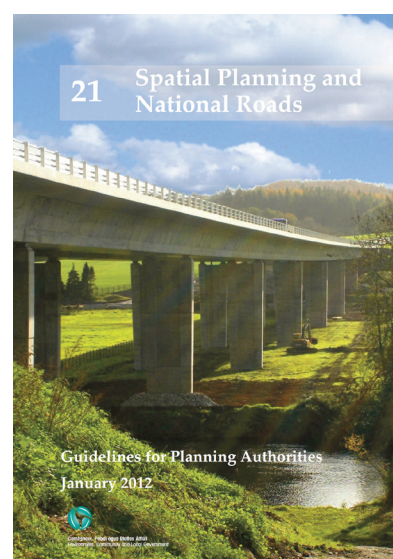
Retail Planning - Guidelines for Planning Authorities

- The Fingal Retail Hierarchy has been devised having regard to the classifications of the Retail Strategy for the GDA and through ensuring consistency with the settlement hierarchy of the RPGs for the GDA.
- Objective ED35 ensures that policies in relation to type, quantum and locations of retail floorspace provision are consistent with the requirements and recommendations of the relevant regional policy frameworks and national planning guidelines.
- Objective ED36 requires that new significant retail development be primarily directed to the higher Levels in the Fingal Retail Hierarchy and specifically to the core retail areas identified for these centres, except in exceptional circumstances (outlined).
- Objective ED37 ensures that applications for new retail development are consistent with the retail policies of the Development Plan, in particular with the Fingal Retail Hierarchy, and are assessed in accordance with the requirements of the *Guidelines for Planning Authorities: Retail Planning*, including, where appropriate, the application of the Sequential Approach, and requirements for retail impact assessments and transport impact assessments for retail developments which due to their scale and/ or location may impact on the vitality and viability of major town, town, local and village centres.
- Core retail areas for the Level 2 and Level 3 urban centres are delineated in Figures 6.1 to 6.9 of the Development Plan.



Spatial Planning and National Roads – Guidelines for Planning Authorities

- 82% of the national road network in Fingal is motorway. Section 43(2) of the Roads Act 1993 states there is no right of direct access to a motorway from adjoining land and such direct access shall not be granted. The Council is also prohibited from granting such access under Section 46 of the Act and Section 8 of the Roads Act 2007. In this respect 82% of the national road network in Fingal is already protected from the creation of new access points.
- Objective DMS 124 prohibits development requiring access onto Motorway and presumes against access onto National Primary routes and seeks to preserve the capacity, efficiency and safety of national road infrastructure including junctions.



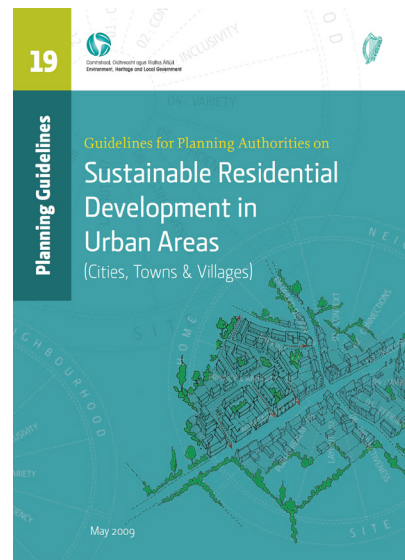
- Objective DMS 127 requires developers to provide a Traffic Impact Assessment where new development will have a significant effect on travel demand and the capacity of the surrounding transport network.
- Objective DMS 128 promotes road safety measures in conjunction with the relevant stakeholders to avoid the creation of traffic hazards.
- Objective DMS 108 states motor fuel stations and service areas in proximity to the National Road network will be assessed with regard to the *Spatial Planning and National Roads Guidelines for Planning Authorities* DECLG, 2012.
- Objective ED109 encourages developments which are likely to generate significant levels of freight traffic to locate close to the existing county or national road network having regard to the Transport Infrastructure Ireland (TII) policy.

Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment - Guidelines for Regional Authorities and Planning Authorities

- Strategic Environmental Assessment was carried out as part of the preparation of the Development Plan. The results of the process have been fully incorporated into the Plan. The resulting Environmental Report (SEA) has been published as a separate document.

Sustainable Residential Development in Urban Areas

- Chapter 3 “Placemaking” states that Fingal County Council is committed to achieving successful and sustainable communities throughout the County. The Development Plan aims to improve the quality of Fingal’s urban and rural environments and encourage a high standard of design in all new developments. Adhering to the principles of placemaking will achieve accessible, safe and sustainable built and natural environments, which reflect the special character and heritage of the County and its varied townscapes and landscapes.
- Chapter 3 commits the Council to have regard to Sustainable Residential Development in Urban Areas and its companion document Urban Design Manual – A Best Practice Guide when determining densities.
- Objective RF02 commits the Council to manage the development of each village, within the existing RV boundaries, having regard to;
 - Government Guidelines set down in the *Sustainable Residential Development in Urban Areas*;
 - The settlement strategy for rural villages set out in the RPGs, and;
 - The Core Strategy of the Development Plan.



Sustainable Rural Housing Development Guidelines

- Chapter 4 “Rural Fingal” states having regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005, rural Fingal can be classified as an area under ‘Strong Urban Influence’ due to its location in close proximity to Dublin City and major transport corridors.
- It is the Council’s objective for this area to facilitate the rural generated housing requirements of the local rural community (as defined in that Chapter) while on the other hand directing urban generated rural housing to areas zoned for new housing development into towns and villages.
- The Plan is geared towards promoting well-developed and stable rural communities, which can support the provision of educational, community and social services, improved amenities and sustainable employment opportunities.
- Through Objective RF52 in areas which are subject to either the RU, GB, or HA zoning objective, there is a presumption against development which would contribute to or intensify existing ribbon development as defined by the Guidelines.

Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities

- The provisions of the *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities* have been classed as ‘specific planning policy requirements’ by the Minister within the meaning of Section 2 of the Planning and Development (Amendment) Act 2015. Fingal County Council is therefore required to apply the Guidelines in the performance of its functions.
- Accordingly, Objective PM36 states “*The Guidelines for Planning Authorities ‘Sustainable Urban Housing : Design Standards for New Apartments’* issued by the Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions.”
- Objectives DMS 20 through to DMS 30 outline the specific requirements of the Guidelines in relation to apartment sizes and layouts. Objectives DMS 88 to DMS 91 indicate the open space requirements associated with apartments and duplexes.

Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities

- Objective IT05 states “provide the necessary telecommunications infrastructure throughout the County in accordance with the requirements of the *Telecommunications Antennae and Support Structures Guidelines for Planning Authorities* July 1996 except where they conflict with Circular Letter PL07/12 which shall take precedence, and any subsequent revisions or additional guidelines in this area.”



- Objective IT07 requires best practice in siting and design in relation to the erection of communication antennae.
- Objective IT08 commits the Council to secure a high quality of design of masts, towers and antennae and other such infrastructure in the interests of visual amenity and the protection of sensitive landscapes, subject to radio and engineering parameters.

The Planning System and Flood Risk Management - Guidelines for Planning Authorities

- A Strategic Flood Risk Assessment (SFRA) was undertaken for the plan area having regard to the Department of the Environment, Community and Local Government and OPW issued guidelines to identify flood risk areas. Flood Risk Assessment was integrated into the SEA process. The Strategic Flood Risk Assessment has been published as a separate document in conjunction with the Development Plan.
- Objective SW01 commits the Council to protect and enhance the County’s floodplains, wetlands and coastal areas subject to flooding as vital green infrastructure which provides space for storage and conveyance of floodwater, enabling flood risk to be more effectively managed and reducing the need to provide flood defences in the future.
- Objective SW02 states “allow no new development within floodplains other than development which satisfies the justification test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).”
- Objective SW03 commits the Council to identify existing surface water drainage systems vulnerable to flooding and develop proposals to alleviate flooding in the areas served by these systems.
- Objective SW04 requires the use of sustainable drainage systems while Objective SW05 discourages the use of hard nonporous surfacing and pavements. Objective SW06 encourages the use of Green Roofs on apartment, commercial, leisure and educational buildings.
- Objective SW07 identifies locations where a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required.
- Objective SW08 and SW09 commit the Council to implement the recommendations of the *Fingal East Meath Flood Risk Assessment and Management Study* (FEMFRAMS) and to assess and implement the recommendations of the Eastern CFRAMS when complete.

Tree Preservation - Guidelines for Planning Authorities

- Trees, Woodlands and Hedgerows to be preserved and protected have been identified on the landuse zoning maps.
- Objective NH25 affords protection to existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensures that proper provision is made for their protection and management.



- Objective NH26 commits the Council to consider the use of Tree Preservation Orders to protect important trees, groups of trees or woodlands.
- Objective RF83 commits to facilitating the sustainable development of forestry provided that it is in harmony with the surrounding landscape, that no significant adverse impacts are caused to natural waters, wildlife habitats, or conservation areas and that it does not have a significant adverse visual impact on the local landscape.

Wind Energy Development - Guidelines for Planning Authorities

- Objective PM25 encourages the production of energy from renewable sources.
- However, the Council recognises that such projects have to be carefully balanced against the need to protect landscape sensitivities, residential amenities, views or prospects, public rights of way, wildlife habitats, special areas of conservation, protected structures and bird migration paths.
- Objective EN10 commits the Council to support Ireland's renewable energy commitments outlined in national policy by facilitating the exploitation of wind power where such development does not have a negative impact on the surrounding environment, landscape or local amenities including offshore sites that may be designated under the Birds and Habitats Directive in the lifetime of this Plan.
- Objective EN11 requires that all new wind energy developments in the County comply with the *Wind Energy Development Guidelines for Planning Authorities*, DoEHLG (2006) and guidelines contained within *draft Fingal County Council Wind Energy Strategy* or any subsequent strategy or associated guidelines applicable within the lifetime of the Plan.

