



LEITRIM COUNTY DEVELOPMENT PLAN 2023 – 2029 – APPENDIX I
STATEMENT DEMONSTRATING COMPLIANCE WITH SECTION 28 GUIDANCE



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STATEMENT DEMONSTRATING COMPLIANCE WITH SECTION 28 GUIDELINES

Introduction

This Appendix constitutes the statement demonstrating how Leitrim County Council has implemented the relevant policies and objectives of the Minister when considering their application to the County in the Development Plan.

Legislative Requirements

Section 28(1) of the Planning and Development Act 2000, as amended, allows for issuing of Guidelines to planning authorities (such as Leitrim County Council) regarding their functions under the Act and specifies planning authorities shall have regard to those Guidelines in the performance of their functions.

Under Sections 28(1A)(b) and 28(1B) of the Act, as amended, a planning authority is required to append a statement to their 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 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 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.

Implementation of Policies and Objectives of S28 Guidelines in the County Development Plan

Tables 1 to 4 on the following pages provide the requisite information as to how this Development Plan has fully implemented all relevant Section 28 Guidelines and has complied with all relevant special planning policy recommendations.

Table 1: Implementation of Section 28 Guidelines

| Section 28 Guidelines | Statement |
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| <i>Housing Supply Target Methodology for Development Planning – Guidelines for Planning Authorities</i> (DHLGH, 2020) | The <i>Core Strategy</i> , provided in Chapter 2, and the Housing Needs Demand Assessment, outlined in Section 3.4 of Chapter 3: <i>Housing Strategy</i> , have been developed in accordance with the Housing Supply Target Methodology for Development Planning Guidelines. |
| <i>Design Manual for Urban Streets and Roads</i> (DHPLG, 2019) | Chapter 8: <i>Transport</i> and Chapter 13: <i>Development Management Standards</i> implement the relevant policies and objectives of these Guidelines. |
| <i>Urban Development and Building Heights: Guidelines for Planning Authorities</i> (DHPLG, 2018) | Chapter 3: <i>Housing Strategy</i> provides specific policy reference to these guidelines under Objective HOUS OBJ 10, with Section 13.9 of Chapter 13: <i>Development Management Standards</i> providing further reference to the guidelines. |
| <i>Sustainable Urban Housing: Design Standards for New Apartments Guidelines for the Planning Authorities</i> (DHPLG, 2018) | Chapter 3: <i>Housing Strategy</i> provides specific policy reference to these guidelines under Objective HOUS POL 15, with Section 13.9 of Chapter 13: <i>Development Management Standards</i> providing further reference to the guidelines (Section 13.10.6). |
| <i>Guidelines for Local Authorities and An Bord Pleanála on Carrying Out Environmental Impact Assessments</i> (DHPLG, 2018) | Section 13.2.6: <i>Environmental Impact Assessment</i> references requirements in relation to EIAR and has regard to the guidelines. |
| <i>Part V of the Planning and Development Act 2000- Guidelines</i> (DHPCLG, 2017) | Chapter 3: <i>Housing Strategy</i> and Appendix V: <i>Leitrim County Housing Strategy 2022-2028</i> implements the relevant policies and objectives of these guidelines. |
| <i>Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change</i> (DHPCLG, 2017) | Section 12.6.2 <i>Wind Energy</i> of Chapter 12: <i>Climate Action & Renewable Energy</i> and Appendix IX: <i>Leitrim County Renewable Energy Strategy</i> implements the relevant policies and objectives of these Interim Guidelines. |
| <i>Local Area Plans: Guidelines for Planning Authorities</i> (DECLG, 2013) | These guidelines are not considered applicable to the County Development Plan process, but any future Local Area Plans shall have regard to these Guidelines. |
| <i>Development Contributions: Guidelines for Planning Authorities</i> (DECLG, 2013) | The future Development Contribution Scheme which will be made post adoption of the County Plan shall have regard to these Guidelines. |
| <i>Spatial Planning and National Roads: Guidelines for Local Authorities</i> (DECLG, 2012) | Chapter 8: <i>Transport</i> , implements the relevant policies and objectives of these guidelines. |
| <i>Retail Planning: Guidelines for Planning Authorities</i> (DECLG, 2012) | Section 4.11 of Chapter 4: <i>Economic Development</i> and Section 13.13 of Chapter 13: <i>Development Management Standards</i> |

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| | implement the relevant policies and objectives of these Guidelines. |
| <i>Architectural Heritage Protection: Guidelines for Planning Authorities</i> (DAHG, 2011) | These Guidelines are referenced in Chapter 11: <i>Heritage</i> . The Guidelines have been implemented via the policy objectives relating to the protection of the County's architectural and archaeological heritage. |
| <i>Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities</i> (DEHLG, 2009) | The preparation of the Plan implements the relevant policies and objectives of these guidelines. |
| <i>The Planning System and Flood Risk Management: Guidelines for Planning Authorities</i> (DEHLG, 2009) | Chapter 9: <i>Infrastructure and Energy</i> and the Strategic Flood Risk Assessment informing this Plan implements the relevant policies and objectives of these Guidelines. |
| <i>Sustainable Residential Development in Urban Areas (Cities, Towns and Villages): Guidelines for Planning Authorities (and the accompanying Urban Design Manual: a best practice guide)</i> (DEHLG, 2009) | Chapter 3: <i>Housing Strategy</i> , Chapter 6: <i>Urban Settlements</i> and Chapter 7: <i>Sustainable Communities</i> implement the relevant policies and objectives of these Guidelines. |
| <i>The Provision of Schools and the Planning System: A Code of Practice</i> (DEHLG, DES, 2008) | Section 13.14.3 of Chapter 13: <i>Development Management Standards</i> implements the relevant policies and objectives of these guidelines. |
| <i>Development Management: Guidelines for Planning Authorities</i> (DEHLG, 2007) | Chapter 13: <i>Development Management Standards</i> implements the relevant policies and objectives of these guidelines. |
| <i>Development Plans: Guidelines for Planning Authorities</i> (DEHLG, 2007) | The Plan implements the policies and objectives of these guidelines in its overall formulation. |
| <i>Wind Energy Development: Guidelines for Planning Authorities</i> (DEHLG, 2006) | Section 12.6.2 <i>Wind Energy</i> of Chapter 12: <i>Climate Action & Renewable Energy</i> and Appendix IX: <i>Leitrim County Renewable Energy Strategy</i> implement the relevant policies and objectives of these guidelines. |
| <i>Sustainable Rural Housing: Guidelines for Planning Authorities</i> (DEHLG, 2005) | The rural housing policies and objectives set out in Section 3.17 <i>Rural Settlement Strategy</i> of Chapter 3: <i>Housing Strategy</i> implements the relevant policies and objectives of these guidelines. |
| <i>Implementation of the SEA Directive: Guidelines for Regional Authorities and Planning Authorities</i> (DEHLG, 2004) | These guidelines informed the preparation of the Strategic Environmental Assessment (SEA) of the Development Plan, which is included as an accompanying volume of the Plan. 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. |
| <i>Quarries and Ancillary Activities: Guidelines for Planning Authorities</i> (DEHLG, 2004) | Section 10.7 <i>Extractive Industry and Building Materials Production</i> of Chapter 10: <i>Rural Development</i> and Section 13.18.2 <i>Extractive Industries</i> of Chapter 13: <i>Development Management Standards</i> implement the |

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| | relevant policies and objectives of these guidelines. |
| <i>Childcare Facilities: Guidelines for Planning Authorities (DELG, 2001)</i> | Section 7.8.3 <i>Childcare Facilities</i> of Chapter 7: <i>Sustainable Communities</i> and Section 13.14.2 of Chapter 13: <i>Development Management Standards</i> implement the relevant policies and objectives of these guidelines. |
| <i>Telecommunications Antennae Support Structures: Guidelines for Planning Authorities (DOELG, 1996)</i> | Section 9.19 <i>Telecommunications</i> of Chapter 9: <i>Infrastructure and Energy</i> and Section 13.20.3 <i>Telecommunications and Supporting Infrastructure</i> of Chapter 13: <i>Development Management Standards</i> implement the relevant policies and objectives of these guidelines. |
| <i>Tree Preservation Guidelines (DOELG, 1994)</i> | Section 10.6.6 <i>Trees and Hedgerows</i> of Chapter 10: <i>Rural Development</i> and Section 11.10 <i>Trees, Woodlands & Hedgerows</i> of Chapter 11: <i>Heritage</i> implement the relevant policies and objectives of these guidelines. |

Table 2: Implementation of SPPRs from *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG, 2018)*

| Special Planning Policy Recommendation | Compliance |
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| <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 (see Appendix V) and has demonstrated that there is a requirement for a mix in order to cater for the housing needs of the existing and future population in the County.</p> <p>Policy HOUS POL 10 and Section 13.10.6 set out policy and requirements in relation to mix. 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 (see Appendix V) and has demonstrated that there is a requirement for a mix in order to cater for the housing needs of the existing and future population in the County.</p> <p>Section 13.10.6 set out requirements in relation to the requirements of SPPR 2.</p> |

| Special Planning Policy Recommendation | Compliance |
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| <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. • 3-bedroom apartment (5 persons) 90 sq. m. | <p>Table 13.4 in Section 13.10.6 sets out standards in relation to minimum apartment floor areas and also the requirements as set out in the Section 28 Guidelines for any schemes of 10 or more units to exceed these standards by a minimum of 10%. 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> <p>(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.</p> <p>(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.</p> <p>(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> | <p>Section 13.10.6 sets out the relevant requirements in compliance 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>Section 13.10.6 sets out the relevant requirements in compliance with SPPR 5.</p> |
| <p>SPPR 6: A maximum of 12 apartments per floor per core may be provided in apartment schemes. 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>Section 13.10.6 sets out the relevant requirements in compliance with SPPR 6.</p> |

Table 3: Implementation of SPPRs from *Urban Development and Building Heights: Guidelines for Planning Authorities* (DHPLG, 2018)

| Special Planning Policy Recommendation | Compliance |
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| <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 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>Chapter 3: <i>Housing Strategy</i>, Objective HOUS OBJ 10 and Chapter 13: <i>Development Management Standards</i>, Section 13.9.1 <i>Buildings Heights</i> set out policy and development requirements to guide future building height within the County. This complies with SPPR 1.</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. 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>Various land use zoning objectives contained in this Plan - including 'Town/Village Centre', 'Mixed Use', 'Social and Community' - support mixed use development. This complies with SPPR 2.</p> |
| <p>SPPR 3: It is a specific planning policy requirement that where:</p> <ol style="list-style-type: none"> 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 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: <p>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>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</p> | <p>Having regard to SPPR 3 of the Building Height Guidelines, there may be circumstances where increased height and/or taller buildings may be considered. In such circumstances any such proposal must be assessed in accordance with the criteria identified in Chapter 13: <i>Development Management Standards</i>. The onus will be on the applicant to demonstrate compliance with Chapter 13.</p> |

| Special Planning Policy Recommendation | Compliance |
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| Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme. In respect of planning schemes approved after the coming into force of these Guidelines these are not required to be reviewed. | |
| <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> <ol style="list-style-type: none"> 1. the minimum densities for such locations as set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “<i>Sustainable Residential Development in Urban Areas (2007)</i>” or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 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. | Chapter 6: <i>Urban Settlements</i> , Section 6.9 <i>Density</i> outlines policies to guide appropriate residential densities throughout the County. |

Table 4: Implementation of SPPRs from the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (DHPCLG, 2017)*

| Special Planning Policy Recommendation | Compliance |
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| <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> | Chapter 12: <i>Climate Action and Renewable Energy</i> and Appendix IX <i>Leitrim County Renewable Energy Strategy</i> acknowledge the relevant legislative and policy provisions outlined. |
| <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).</p> | Chapter 12: <i>Climate Action and Renewable Energy</i> and Appendix IX <i>Leitrim County Renewable Energy Strategy</i> acknowledge the relevant legislative and policy provisions outlined. |
| <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</p> | The 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. |

| Special Planning Policy Recommendation | Compliance |
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| <p>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> | |