

Planning Guidelines

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APPENDIX I

STATEMENT OF COMPLIANCE

Statement of Compliance

Pursuant to Section 28 of the *Planning and Development Act 2000* (as amended), Galway County Council is required to append a statement to the *Galway County Development Plan 2015-2021* to include information which demonstrates the following:

- (i) How the planning authority has implemented the 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
- (ii) 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 this opinion and why policies and objectives of the Minister have not been so implemented.

In this regard, Section 13.1 of Chapter 13 Development Management Standards and Guidelines of the *Galway County Development Plan* makes reference to the role of Section 28 Guidelines in the implementation of the Development Plan.

The *Galway County Development Plan* has considered all of the Section 28 Ministerial Guidelines, which are updated/added to regularly on www.environ.ie. The table below highlights the guidance documents that are most relevant to the various chapters within the *Galway County Development Plan*.



No.	Section 28 Guidelines	Galway County Development Plan 2015-2021
1.	<p><i>Strategic Environmental Assessment (SEA) Guidelines (2004)</i></p>	<p>The preparation of the <i>Galway County Development Plan</i> has had regard to these guidelines. The Strategic Environmental Assessment (SEA) process commenced with the review of the existing plan and the SEA outputs are included in this plan. The process of Strategic Environmental Assessment will continue throughout the review of this plan including the plans adoption.</p>
2.	<p><i>Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009)</i></p>	<p>The preparation of the <i>Galway County Development Plan</i> has had regard to this guidance document.</p> <p>A Natura Impact Report was prepared and accompanies the plan. In addition, an Appropriate Assessment Report was initiated and the outputs are included where appropriate throughout this plan. Mitigation policies and objectives have also been included in the plan as part of the Appropriate Assessment process.</p>
3.	<p><i>Development Plan – Guidelines for Planning Authorities (2007)</i></p> <p><i>Development Management Guidelines</i></p>	<p>The Development Plan & Development Management Guidelines for Planning Authorities have informed the preparation of this Development Plan. Chapter 13 Development Management Standards and Guidelines also has had regard to these guidelines</p>
4.	<p><i>Planning and Development (Amendment) Act 2010 (Circular PPL/2010)</i></p> <p><i>Implementing Regional Planning Guidelines – Best Practice Guidance (2010)</i></p>	<p>Chapter 2 Core Strategy, Settlement Strategy and Part V Housing Strategy sets out policies and objectives to ensure that the Core Strategy requirements of the plan are consistent with the <i>National Spatial Strategy (NSS) 2002-2020</i> and the <i>Regional Planning Guidelines for the West Region 2010-2022</i>, as required by the 2010 guidance document.</p>

5.	<p><i>Sustainable Residential Development in Urban Areas (2009)</i></p> <p><i>Best Practice Urban Design Manual Part 1 and Part 2</i></p> <p><i>Taking in Charge of Housing Estates/Management Companies & Taking in Charge of Residential Developments Circular Letter PD1/08</i></p>	<p>The guidelines have been considered in the context of Chapter 2 Core Strategy, Settlement Strategy and Part V Housing Strategy.</p> <p>Chapter 3 Urban and Rural Housing sets out in detail the requirements for rural housing and identifies the different rural types within the County with specific objective responses to manage new single houses in the countryside. Chapter 13 Development Management Standards and Guidelines encourages the provision of high quality residential design in the urban areas of the County in accordance with the guidelines.</p> <p>Galway County Council's policy and procedure in relation to taking in charge of private housing developments had regard to the requirements of Circular Letter PD 1/08, dated 26 February 2008, from the Department of Environment, Heritage and Local Government.</p>
6.	<p><i>Sustainable Rural Housing Guidelines (2005)</i></p>	<p>These guidelines have been considered in the context of Chapter 2 Core Strategy, Settlement Strategy. Chapter 3 identifies the different rural types with specific objective responses to manage single houses in rural settlements and the open countryside. Chapter 13 Development Management Standards and Guidelines encourages the provision of high quality residential design in rural areas.</p>
7.	<p><i>Retail Planning Guidelines and Retail Design Manual (2012)</i></p>	<p>Chapter 4 Economic, Tourism and Retail Development refers to the guidelines and sets out the retail policies and objectives including liaising with Galway City Council in the production of a Retail Strategy within the lifetime of this Development Plan.</p>
8.	<p><i>Spatial Planning and National Roads Guidelines (2012)</i></p> <p><i>Design Manual for Urban Roads and Streets 2013</i></p>	<p>Chapter 5 Roads and Transportation Strategy contains specific policies and objectives which restrict development including direct access affecting national primary and secondary roads, outside the 50-60 km/ph speed limit in accordance with the 2012 guidelines and promotes the principles contained within the <i>Design Manual for Urban Roads and Streets</i>, (2013).</p>

9.	<p><i>Implementation of New EPA Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses-Circular PSSP1/10</i></p> <p><i>Waste Water Discharge (Authorisation) Regulations Circular PD7/09</i></p> <p><i>Quarries and Ancillary Activities (2004)</i></p> <p><i>Section 261A of Planning & Development Act 2000 Guidelines & Supplementary Guidelines</i></p>	<p>Chapter 6 Water & Wastewater Infrastructure & Waste Management sets out the policies and objectives for the extractive industry. An objective regarding the management of aggregate extraction also refers to the special recognition to esker areas as referenced within the GCC's <i>Galway Living Landscapes – Part 1: Eskers</i>.</p> <p>Chapter 13 Development Management Standards and Guidelines refers to the guidelines and states the issues to be addressed in development proposals for quarries including a scheme of rehabilitation and after care.</p>
10.	<p><i>Wind Energy Guidelines for Planning Authorities (2006)</i></p> <p><i>Telecommunications Antennae and Support Structures & Circular PL 07/12</i></p>	<p>Chapter 7 Energy/Renewable Energy and Communications Technology sets out policies and objectives for energy/ICT. The chapter contains a positive approach in relation to wind energy developments in accordance with these guidelines (including any updated/superseding guidelines). The policies and objectives and development management standards and guidelines as set out in the <i>County Galway Wind Energy Strategy (WES)</i> are also deemed to be the policies and objectives and development standards/guidelines for the purpose of this Development Plan. In addition, Chapter 13 Development Management Standards and Guidelines require all planning applications for wind energy turbines or wind farms to be in compliance with the <i>Wind Energy Guidelines 2006</i> (including any new guidelines when issued) and the <i>County Galway Wind Energy Strategy (WES)</i>.</p>
11.	<p><i>The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)</i></p>	<p>A Strategic Flood Risk Assessment (Stage 1 SFRA) has been carried out for County Galway having regard to the guidelines. The SFRA document accompanies the plan and identifies areas of flood risk by reference to data available from a number of sources. Policies and objectives in relation to flood risk are included in Chapter 8 Climate Change and Flooding of the plan.</p>

<p>12.</p>	<p><i>Architectural Heritage Protection Guidelines for Planning Authorities (2011)</i></p> <p><i>Architectural Heritage Protection for Places of Worship</i></p> <p><i>Tree Preservation Guidelines</i></p> <p><i>Landscape and Landscape Assessment – Guidelines for Planning Authorities</i></p>	<p>Chapter 9 Heritage and Environmental Management addresses the built and natural heritage.</p> <p>Policies and objectives contained within this plan have had regard to various legislative provisions and policy guidance documents, including, the <i>Planning and Development Act 2000</i> (as amended), <i>Architectural Heritage Protection – Guidelines for Planning Authorities 2011</i> and the National Inventory of Architectural Heritage (NIAH). The plan provides policies and objectives relating to the protection and conservation of the Architectural and Archaeological Heritage. It is accompanied by a list of the Record of Protected Structures. The plan includes a list of ACAs under the Appendices of the plan. This Chapter also includes policies and objectives relating to Natural Heritage, Green Infrastructure, Coastal Zone, Inland Waterways Geological and Geo-morphological Systems, Areas of High Amenity, Landscape Sensitivity Ratings, and tentative World Heritage Sites.</p>
<p>13.</p>	<p><i>Provision of Schools and the Planning System (2008)</i></p>	<p>Policies and objectives contained in Chapter 10 Cultural, Social and Community Development address education provision in the County and make reference to these guidelines. The Development Management Standards and Guidelines set out in Chapter 13 also refers to the requirements of technical guidance documents published by the Department of Education and Skills (see www.education.ie) and the Local Authority.</p> <p>Lands adjacent to existing schools should where possible be protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement of the various stakeholders.</p>
<p>14.</p>	<p><i>Childcare Facilities: Guidelines for Planning Authorities (2001)</i></p>	<p>Chapter 10 Cultural, Social and Community Development refers to these guidelines. The Chapter also includes objectives for the promotion of Irish as a community language within the Galway Gaeltacht and in working with Udarás na Gaeltachta in order to realise the economic and development potential of the Gaeltacht in a balanced and sustainable manner during the lifetime of this plan.</p>

15.	<i>Quality Housing for Sustainable Communities Design Guidelines (2007)</i>	Chapter 13 Development Management Standards and Guidelines has had regard to these guidelines.
16.	<i>Sustainable Urban Housing: Design Standards for New Apartments (2007)</i>	Chapter 13 Development Management Standards and Guidelines has had regard to these guidelines.
17.	<i>Local Area Plan: Guidelines for Planning Authorities (June 2013) and the Manual for Local Area Plans (June 2013)</i>	Chapter 2, Objective CS6 specifically refers to the importance of these guidelines.
18.	<i>Department of Environment's Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-Threshold Development (August 2003).</i>	Chapter 13 Development Management Standards and Guidelines has had regard to these guidelines.

The following Ministerial Guidelines do not directly relate to the preparation of the Galway County Development Plan:

19	<i>Funfair Guidance</i>	These guidelines relate to the licensing and requirements for a specific type of land use - funfairs. They are not relevant to the preparation process of the plan.
20	<i>Guidelines for Planning Authorities & An Bord Pleanála on Carrying out Environmental Impact Assessments (March 2013)</i>	The purpose of the guidelines is to provide practical guidance to Planning Authorities and the Board on legal and procedural issues arising from the requirement to carry out an EIA in relevant cases. They are not relevant to the preparation process of the plan.
21	<i>Development Contribution Guidelines for Local Authorities & Addendum Circular PL3/2013.</i>	