

APPENDIX 14

STATUTORY REQUIREMENTS REGARDING CONTENT OF DEVELOPMENT PLAN

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Section 10 of the Act – Content of development plans

10.—(1) 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.

(1A) The written statement referred to in subsection (1) shall include a core strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and the regional spatial and economic strategy.

(1B) A planning authority shall prepare a core strategy, other than where subsection (1C) applies, as soon as practicable and in any event not later than a period of one year after the making of a regional spatial and economic strategy under Chapter III which affects the area of the development plan, and shall accordingly vary the development plan under section 13 to include the core strategy.

(1C) Where a period of more than 4 years has expired since the making of the development plan when a regional spatial and economic strategy under Chapter III which affects the area of the development plan is made, the planning authority shall prepare a core strategy for inclusion in the new development plan under section 11 and 12.

(1D) The written statement referred to in subsection (1) shall also include a separate statement which shows that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

(2) Without prejudice to the generality of *subsection (1)*, a development plan shall include objectives for—

(a) 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 those uses), where 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;

(b) the provision or facilitation of the provision of infrastructure including—

(i) transport, energy and communication facilities,

(ii) water supplies and waste water services (regard having been had to the

water services strategic plan for the area made in accordance with the Water Services Act 2007),

(iii) 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), and

(iv) any ancillary facilities or services;

(c) 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;

(ca) the encouragement, pursuant to Article 10 of the Habitats Directive, of the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species;

(cb) the promotion of compliance with environmental standards and objectives established—

(i) for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;

(ii) for groundwater, by the European Communities (Groundwater) Regulations 2010;

which standards and objectives are included in river basin management plans (within the meaning of Regulation 13 of the European Communities (Water Policy) Regulations 2003);

(d) the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population;

(e) 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;

(f) the protection of structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;

(g) the preservation of the character of architectural conservation areas;

(h) the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent—

(i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,

(ii) urban blight and decay,

(iii) anti-social behaviour, or

(iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses;

(i) the provision of accommodation for travellers, and the use of particular areas for that purpose;

(j) the preservation, improvement and extension of amenities and recreational amenities;

(k) 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;

(l) the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities;

(m) 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;

(n) the promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to—

(i) reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources,

(ii) reduce anthropogenic greenhouse gas emissions, and

(iii) address the necessity of adaptation to climate change;

in particular, having regard to location, layout and design of new development;

(o) the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan, and

(p) landscape, in accordance with relevant policies or objectives for the time being of the Government or any Minister of the Government relating to providing a framework for identification, assessment, protection, management and planning of landscapes and developed having regard to the European Landscape Convention done at Florence on 20 October 2000.

(2A) Without prejudice to the generality of subsection (1A), a core strategy shall—

(a) provide relevant information to show that the development plan and the housing strategy are consistent with the National Spatial Strategy and the regional spatial and economic strategy.

(b) take account of any policies of the Minister in relation to national and regional population targets,

(c) in respect of the area in the development plan already zoned for residential

use or a mixture of residential and other uses, provide details of—

- (i) the size of the area in hectares, and
- (ii) the proposed number of housing units to be included in the area,

(d) in respect of the area in the development plan proposed to be zoned for residential use or a mixture of residential and other uses, provide details of—

- (i) the size of the area in hectares,
- (ii) how the zoning proposals accord with national policy that development of land shall take place on a phased basis,

(e) provide relevant information to show that, in setting out objectives regarding retail development contained in the development plan, the planning authority has had regard to any guidelines that relate to retail development issued by the Minister under section 28,

(f) in respect of the area of the development plan of a county council, set out a settlement hierarchy and provide details of—

- (i) whether a city or town referred to in the hierarchy is designated as a gateway or hub for the purposes of the National Spatial Strategy,
- (ii) other towns referred to in the hierarchy,
- (iii) any policies or objectives for the time being of the Government or any Minister of the Government in relation to national and regional population targets that apply to towns and cities referred to in the hierarchy,
- (iv) any policies or objectives for the time being of the Government or any Minister of the Government in relation to national and regional population targets that apply to the areas or classes of areas not included in the hierarchy,
- (v) projected population growth of cities and towns in the hierarchy,
- (vi) aggregate projected population, other than population referred to in subparagraph (v), in—
 - (I) villages and smaller towns with a population of under 1,500 persons, and
 - (II) open countryside outside of villages and towns,
- (vii) relevant roads that have been classified as national primary or secondary roads under section 10 of the Roads Act 1993 and relevant regional and local roads within the meaning of section 2 of that Act,
- (viii) relevant inter-urban and commuter rail routes, and
- (ix) where appropriate, rural areas in respect of which planning guidelines relating to sustainable rural housing issued by the Minister under section 28 apply,

(g) in respect of the development plan of a city, provide details of—

- (i) the city centre concerned,
- (ii) the areas designated for significant development during the period of the development plan, particularly areas for which it is intended to prepare a local area plan,
- (iii) the availability of public transport within the catchment of residential or commercial development, and
- (iv) retail centres in that city,

(h) in respect of the area of the development plan of a city and county council set out a settlement hierarchy and provide details of matters referred

to in paragraph (f) and (g).

(2B) The information referred to in subparagraphs (vii) to (ix) of paragraph (f) and in paragraph (g) shall also be represented in the core strategy by a diagrammatic map or other such visual representation.

(2C) In subsection (2A)(f) 'settlement hierarchy' means a rank given by a planning authority to a city or town in the area of its development plan, with a population that exceeded 1,500 persons in the census of population most recently published before the making by the planning authority of the hierarchy, and given on the basis of—

(a) its designation as a gateway city or town or as a hub town, as the case may be, under the National Spatial Strategy,

(b) the assessment by the planning authority of—

(i) the proposed function and role of the city or town, which assessment shall be consistent with any regional spatial and economic strategy in force, and

(ii) the potential for economic and social development of the city or town, which assessment shall be in compliance with policy directives of the Minister issued under section 29, have regard to guidelines issued by the Minister under section 28, or take account of any relevant policies or objectives of the Government, the Minister or any other Minister of the Government, as the case may be.

(3) Without prejudice to *subsection (2)*, a development plan may indicate objectives for any of the purposes referred to in the *First Schedule*.

(4) The Minister may prescribe additional objectives for the purposes of *subsection (2)* or for the purposes of the *First Schedule*.

(5) The Minister may, for the purposes of giving effect to Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (No. 2001/42/EC, O.J. No. L 197, 21 July 2001 P. 0030-0037), by regulations make provision in relation to consideration of the likely significant effects on the environment of implementing a development plan.

(5A) Where required, a strategic environmental assessment or an appropriate assessment of a draft development plan shall be carried out.

(6) Where a planning authority proposes to include in a development plan any development objective the responsibility for the effecting of which would fall on another local authority, the planning authority shall not include that objective in the plan except after consultation with the other local authority.

(7) A development plan may indicate that specified development in a particular area will be subject to the making of a local area plan.

(8) There shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan.

(9) Nothing in this section shall affect the existence or validity of any public right of way.

(10) No objective included in a development

FIRST SCHEDULE

PURPOSES FOR WHICH OBJECTIVES MAY BE INDICATED IN DEVELOPMENT PLAN

PART I

Location and Pattern of Development

1. Reserving or allocating any particular land, or all land in any particular area, for development of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, development on any specified land.
2. F503[...]
3. Preserving the quality and character of urban or rural areas.
4. Regulating, restricting or controlling retail development.
5. Regulating, promoting or controlling tourism development.
6. Carrying out flood risk assessment for the purpose of regulating, restricting and controlling development in areas at risk of flooding (whether inland or coastal).
7. Regulating, restricting and controlling the development of coastal areas and development in the vicinity of inland waterways.
8. Regulating, restricting and controlling development on the foreshore, or any part of the foreshore.
9. Giving effect to the European Spatial Development Perspective towards balanced and sustainable development of the territory of the European Union, adopted by the meeting of Ministers responsible for Regional/Spatial Planning of the European Union at Potsdam, 10 and 11 May, 1999.
10. Regulating, restricting or controlling development in order to reduce the risk of serious danger to human health or the environment.
11. Regulating, promoting or controlling the exploitation of natural resources.
12. Regulating, restricting and controlling development in areas at risk of erosion and other natural hazards.
13. Reserving land for use and cultivation as allotments and regulating, promoting, facilitating or controlling the provision of land for that use.

PART II

Control of Areas and Structures

1. Regulating and controlling the layout of areas and structures, including density, spacing, grouping and orientation of structures in relation to roads, open spaces and other structures.
2. Regulating and controlling the design, colour and materials of structures and groups of structures, including streets and townscapes, and structures and groups of structures in rural areas.
3. Promoting design in structures for the purposes of flexible and sustainable use, including conservation of energy and resources.
4. Limiting the number of structures, or the number of structures of a specified class, which may be constructed, erected or made on, in or under any area.
5. Regulating and controlling, either generally or in particular areas, all or any of the following matters:
 - (a) the size, height, floor area and character of structures;
 - (b) building lines, coverage and the space about houses and other structures;
 - (c) the extent of parking places required in, on or under structures of a particular class or size, or services or facilities for the parking, loading, unloading or fuelling of vehicles;
 - (d) the objects which may be affixed to structures;
 - (e) the purposes for and the manner in which structures may be used or occupied, including, in the case of a house, the letting thereof in separate units.
6. Regulating and controlling, in accordance with the principles of proper planning and sustainable development, the following:
 - (a) the disposition or layout of land and structures or structures of any specified class, including the reservation of sufficient open space in relation to the number, class and character of structures in any particular development proposal, road layout, landscaping and planting;
 - (b) the provision of water, waste water, waste and public lighting facilities;
 - (c) the provision of service roads and the location and design of means of access to transport networks, including public transport;
 - (d) the provision of facilities for parking, unloading, loading and fuelling of vehicles on any land.
7. The removal or alteration of structures which are inconsistent with the development plan.

PART III

Community Facilities

1. Facilitating the provision and siting of services and facilities necessary for the community, including the following:
 - (a) hospitals and other healthcare facilities;

- (b) centres for the social, economic, recreational, cultural, environmental, or general development of the community;
- (c) facilities for the elderly and for persons with disabilities;
- (d) places of public worship and meeting halls;
- (e) recreational facilities and open spaces, including caravan and camping parks, sports grounds and playgrounds;
- (f) shopping and banking facilities.

2. Ensuring the provision and siting of sanitary services.

3. Reserving of land for burial grounds.

PART IV

Environment and Amenities

1. Protecting and preserving the quality of the environment, including the prevention, limitation, elimination, abatement or reduction of environmental pollution and the protection of waters, groundwater, the seashore and the atmosphere.

2. Securing the reduction or prevention of noise emissions or vibrations.

3. Prohibiting, regulating or controlling the deposit or disposal of waste materials, refuse and litter, the disposal of sewage and the pollution of waters.

4. Protecting features of the landscape which are of major importance for wild fauna and flora.

5. (a) Preserving and protecting flora, fauna and ecological diversity.

(b) Preserving and protecting trees, shrubs, plants and flowers.

6. Protecting and preserving (either *in situ* or by record) places, caves, sites, features and other objects of archaeological, geological, historical, scientific or ecological interest.

7. Preserving the character of the landscape, including views and prospects, and the amenities of places and features of natural beauty or interest.

8. Preserving public rights of way other than those referred to in section 10(2)(o).

9. Reserving land as open spaces, whether public or private (other than open spaces reserved under *Part II* of this Schedule) or as a public park, public garden or public recreation space.

10. Prohibiting, restricting or controlling, either generally or in particular places or within a specified distance of the centre line of all roads or any specified road, the erection of all or any particular forms of advertisement structure or the exhibition of all or any particular forms of advertisement.

11. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any structure or from the objectionable or neglected

condition of any land.

PART V

Infrastructure and Transport

1. Reserving land for transport networks, including roads, rail, light rail and air and sea transport, for communication networks, for energy generation and for energy networks, including renewable energy and for other networks, and for ancillary facilities to service those networks.
2. Facilitating the provision of sustainable integrated transport, public transport and road traffic systems and promoting the development of local transport plans.
3. Securing the greater convenience and safety of users of all transport networks and of pedestrians and cyclists.
4. Establishment of public rights of way and extinguishment of public and private rights of way.
5. Construction, alteration, closure or diversion of roads, including cycleways and busways.
6. Establishing—
 - (a) the line, width, level and construction of,
 - (b) the means of access to and egress from, and
 - (c) the general dimensions and character of,roads, including cycleways and busways, and, where appropriate, other transport networks, whether new or existing.
7. Providing for the management and control of traffic, including the provision and control of parking areas.
8. Providing for works incidental to the making, improvement or landscaping of any transport, communication, energy or other network.