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<sup>1</sup> Source: Department for the Environment, Heritage and Local Government: Annual Housing Statistics Bulletins.

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### **Note: Government Departments**

Following the formation of the new Government changes in the functions and titles of individual departments arise. Transfer of Functions Orders and Alteration of Title Orders under the Ministers and Secretaries (Amendment) Act 1939 required to implement the transfer of functions relevant to certain Departments announced by the Taoiseach on Wednesday 9th March 2011 are being prepared by the Department of Finance in consultation with the various Departments involved in functional changes. Until the formal Governmental procedures have been completed and the appropriate Government Orders transferring functions have been made, the Department of the Taoiseach has advised that each Department should continue to use its existing title and branding.

A number of Government Departments have been referenced in this Plan and as the functions of certain departments may change reference should be made as appropriate to the Press and Information Office of the Department of the Taoiseach [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie).

**STATEMENT PURSUANT TO SECTION 28 OF THE  
PLANNING AND DEVELOPMENT ACT 2000 (AS  
AMENDED)**

**STATEMENT PURSUANT TO SECTION 28 OF THE PLANNING AND DEVELOPMENT ACT 2000  
(AS AMENDED)**

Pursuant to Section 28 of the Planning and Development Act 2000 (as amended) it is a requirement of the Planning Authority to append a statement to the development plan demonstrating:

- (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 draft development plan or the development plan and shall give reasons for the forming of the opinion and why policies and objectives of the Minister have not been so implemented.

<b>Guidelines pursuant to Section 28 of the Planning and Development Act 2000 (as Amended)</b>	<b>Kildare County Development Plan 2011-2017</b>
<b>(a) Architectural Heritage Protection Guidelines (2004)</b>	<p>Chapter 12 of the Plan addresses architectural and archaeological protection and conservation.</p> <p>Policies and objectives contained within this Plan have regard to various legislative provisions and policy guidance documents, including, the Planning and Development Acts 2000-2010, Architectural Heritage Protection Guidelines 2004 and the National Inventory of Architectural Heritage.</p> <p>The Plan lists 1025 structures on the Record of Protected Structures, identifies eight ACA boundaries (with a policy to investigate the designation of nine other ACA's). 21 Zones of Archaeological Potential are also listed in the plan.</p> <p>This chapter also includes policies under Section 12.8.1 – 12.8.5 relating to protected structures, vernacular architecture, Architectural Conservation Areas, Archaeological Heritage, and Country Houses and Demesnes. A comprehensive list of architectural and archaeological objectives is contained in Section 12.9.</p>
<b>(b) Childcare Facilities (2001)</b>	<p>Chapter 11, Social, Community, Recreation and Amenity and Chapter 13 Development Management both address the issue of Childcare Facilities. Section 11.10 and 11.14.8 of Chapter 11 outlines the most appropriate locations for childcare facilities in addition to policies which have regard to the recommendations and requirements of the <i>Childcare Facilities: Guidelines for Planning Authorities 2001</i> and the <i>Child Care (Pre-School Services) Regulations 1996</i>.</p> <p>Section 19.5 of Chapter 19 sets out the development management standards regarding the provision of childcare facilities and requires all childcare facilities to be provided in accordance with the <i>Childcare Facilities: Guidelines for Planning Authorities, 2001 (DoEHLG)</i> and the</p>

	Child Care (Pre-School Services) Regulations 1996.
<b>(c) Design Standards for New Apartments (2007)</b>	<p>Chapter 4 Housing and Chapter 19 Development Management Standards address design standards for new apartments. Section 19.4.5 of Chapter 19 states that all planning applications for apartments in County Kildare shall be assessed against the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2007) by the DoEHLG'.</p> <p>Standards for apartment developments in Chapter 19 include minimum floor area and storage requirements, private open space provision, car and cycle parking, management companies.</p>
<b>(d) Development Management Guidelines (2007)</b>	Chapter 19 Development Management Standards has been prepared having reference to the <i>Development Management Guidelines</i> . Section 19.1.1. to 19.1.9 addresses issues arising in the Development Management Process in relation to enforcement, failure to comply with previous planning permissions, development contributions, environmental impact assessment, pre-application discussions, bonds and digitized planning applications.
<b>(e) Development Plan- Guidelines for Planning Authorities (date)</b>	The Development Plan Guidelines for Planning Authorities have informed the preparation of this Development Plan. Section 4.13 of the guidelines requires that "the amount of land to be zoned for any particular land use must be clearly based on and justified by a realistic assessment of need". The Core Strategy (Chapter 2) and Settlement Strategy (Chapter 3) identify a detailed settlement hierarchy for the County together with their designated role. The Development Plan also sets out the planning framework for the future development of each of the towns/ villages / settlements and rural areas which is based on evidence led approach and has been informed by National and Regional Planning Policy.
<b>(f) Quarries and Ancillary Activities (2004)</b>	Chapter 2 of the Quarries and Ancillary Activities Guidelines outlines development plan policies and objectives in relation to quarries. The Kildare County Development Plan 2011-2017 recognises that adequate supplies of aggregates are necessary to meet the future needs of the county and region. Extractive industry policies and objectives are detailed in section 10.8 and 10.9 of Chapter 10 Rural Development.
<b>(g) Provision of Schools and the Planning System (2008)</b>	Section 11.9 of Chapter 11 Social, Community, Recreation and Amenity addresses education provision in the county. Policies contained in this chapter have regard to the recommendations and requirements of <i>The Provision of Schools and the Planning System, a Code Practice for Planning Authorities, 2008</i> and also the <i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009</i> , which highlights the importance of schools and their provision in tandem with residential development. Section 11.14.7 recognises the policies and objectives set out in these guidelines as being of central importance to the provision of school facilities in the town.
<b>(h) Retail Planning Guidelines (2005)</b>	<p>Chapter 9 of the Plan addresses retail in the context of County Kildare. The policies and objectives of the chapter have been informed by the Retail Strategy for the Greater Dublin Area 2008-2016 and the Draft Kildare County Retail Strategy 2008-2016.</p> <p>A County Retail Hierarchy is set out in Table 9.1 which identifies each urban area within Kildare as being either a Metropolitan or Hinterland Area at either Levels 2, 3, 4 or 5.</p> <p>Section 9.6 includes a number of policy statements addressing such areas</p>

	as district and neighbourhood centres, retail warehouse parks, retail development in business parks, innovation in the County's retail offer and criteria for assessing retail proposals. Specific retail objectives are set out in Section 9.7.
<b>(i) Sustainable Rural Housing Guidelines (2005)</b>	Section 4.11 of Chapter 4 Housing sets out the rural housing policies for the county. These policies incorporate the recommendations of the DoEHLG, <i>Sustainable Rural Housing: Guidelines for Planning Authorities, 2005</i> . The primary aim is to encourage the sustainable provision of one off rural housing in accordance with the settlement strategy and to ensure that development of rural areas takes place in a way that is compatible with the protection of key economic, environmental, natural and cultural heritage resources of the county. Chapter 16 Rural Design Guide, outlines guiding principles for potential applicants proposing to build, renovate or extend individual houses in rural County Kildare. The key criteria which are addressed include site selection, site layout, house design, key architectural and landscape elements.
<b>(j) Sustainable Residential Development in Urban Areas (2009)</b>	<i>Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas, 2009</i> has been considered in the context of Chapter 3 Settlement Strategy, Chapter 4 Housing, Chapter 17 Village Plans and Rural Settlements and Chapter 19 Development Management . These chapters contain specific policies and objectives in relation to the scale and location of new residential development, the need for high quality design of residential areas, the use and development of infill, greenfield and brownfield sites, etc.
<b>(k) The Planning System and Flood Risk Management (2009)</b>	A Strategic Flood Risk Assessment (SFRA) has been carried out for Co. Kildare in accordance with <i>The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009</i> . The SFRA is a county-wide assessment of flood risk to inform strategic land use decisions with the purpose of ensuring that flood risk management is fully integrated into the Development Plan. The SFRA 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 Sections 7.7 and 7.8 of the Development Plan. Specific flood risk assessment requirements have been identified for particular lands within the Environs / Village and Settlement Plans set out in Chapter 17 Village Plans and Rural Settlements. Chapter 4 Housing and Chapter 10 Rural Development also refer to these guidelines in relation to rural areas.
<b>(l) Quality Housing for Sustainable Communities – Design Guidelines (2007)</b>	Section 4.9.2 of Chapter 4 (Housing) sets out policy to have regard to the DoEHLG Guidelines 'Quality Housing for Sustainable Communities – Design Guidelines' (2007), in terms of the efficient use of land, infrastructure and energy, the design and orientation of dwellings, the optimum use of renewable sources of energy and the use of scarce natural resources in construction, maintenance and management of dwellings.
<b>(m) Wind Energy (2006)</b>	Chapter 8 Energy and Communications has been formulated having regard to the <i>Wind Energy Guidelines for Planning Authorities, 2006</i> . It is an objective (EO1) of the Council to examine the possibility of designating appropriate areas of the county as being suitable for the production of energy. Council Policy regarding the provision of Wind Energy in the County is detailed in Section 8.11.2 and seeks to encourage the development of wind energy in suitable locations in an environmentally sustainable manner and in accordance with Government policy.

The Kildare County Development Plan 2011-2017 has been informed by the foregoing Guidelines and has implemented the relevant policies and objectives as contained therein.